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Buying A Mexican Mine,  
Cost of  
a Mining Concession,  
Obtaining  
a Mining Concession,  
Obtaining Water  
Rights,  
Prospecting,  
Exportation  
of  
Ores, &c.

ENCYCLOPEDIA

MEXICAN MINING LAW



by

RICHARD E. CHISM,

Ph. D.

Mining Engineer,

Graduate of the Mexican National  
School of Engineers, Etc., Etc.

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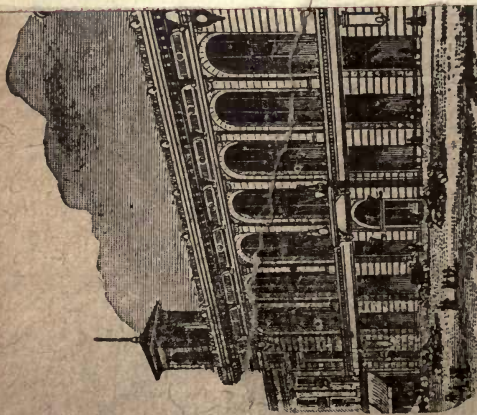
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**ENCYCLOPEDIA**  
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A DIGEST OF  
**THE MEXICAN MINING CODE,**

WITH ALL THE EXPLANATORY CIRCULARS AND ALL SUBSIDIARY  
LAWS, DECREES AND ENACTMENTS, INCLUDING THE  
LAWS FOR TAXATION AND EXPORTATION OF  
THE PRECIOUS METALS, AND MANY  
ADDITIONAL CHAPTERS OF  
PRACTICAL INTEREST.



---

ALSO, A  
**GLOSSARY OF MINING TERMS.**

BY  
**RICHARD E. CHISM, Ph. D.,**  
MINING ENGINEER,  
GRADUATE OF THE MEXICAN GOVERNMENT  
SCHOOL OF MINES, ETC.

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## ABBREVIATIONS.

---

- C. FOM., . . . . . Circular of the Ministry of Fomento (Mining)
- C. HDA., . . . . . Circular of the Treasury Department.
- C. ADM. DEL TIMBRE, . . . . .  
Circular of the General Administration of the Stamp  
Tax.
- L. MIN., . . . . . Mining Law of June 4th, 1892.
- L. IMP., . . . . . Mining Tax Law of June 6th, 1892.
- R. L. MIN., . . . . . Regulations of the Mining Law, June 25th, 1892.
- R. L. IMP., . . . . .  
Regulations of the Mining Tax Law, June 30th, 1892.
- L. MET. PREC., . . . . .  
Law as to Taxes, and Duties on Precious Metals of  
March 27th, 1897.
- R. L. MET. PREC., . . . . . Regulations of said Law of March 27, 1897.
- TAR., . . . . . Tariff of said Law.



RESPECTFULLY

DEDICATED

TO

THE DISTINGUISHED WRITER, JURIST,  
DIPLOMAT and STATESMAN,

D. Ignacio Mariscal,

BY

A SINCERE ADMIRER,

The Author.

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The Author,

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# PREFACE.

---

THE MINING LAWS OF MEXICO are popularly supposed to be all contained in a little pamphlet of about fifty pages, which can be obtained in the original Spanish at the Fomento Department, and of which a translation is on sale by an enterprising publisher.

The contents of the above pamphlet comprise the Mining Law of June 4th, 1892, with its Regulations, and the Mining Tax Law of the same date (also with its Regulations), and a few Circulars and subsidiary Laws.

These Laws are, in effect, the fundamental portion of the Mexican Mining Code at present in force; but the whole body of legislation which affects the rights of Miners, and especially Foreign Miners, in this country is very much greater.

We have —

The Mining Law of June 4th, 1892.

The Regulations thereto.

Thirty-two Explanatory Circulars, with Rulings of the Fomento Department.

## PREFACE

Law of October 31st, 1892.

Decree of December 31st, 1892,

Law of June 4th, 1894.

Law of December 13th, 1897.

Law of June 3d, 1898.

The Mining Tax Law of June 6th, 1892.

The Regulations thereto.

Thirty-nine Circulars, with Rulings of the Treasury and Revenue Stamp Department.

Law of Taxes and Duties upon Precious Metals of March 27th, 1897.

Regulations of said Law.

Tariff of said Law.

Besides which many references are made to

The Civil Code of the Federal District of Mexico.

The Code of Civil Proceedings of the same.

The Code of Commerce of the Mexican Republic.

The Foreign Law of 1856.

The Foreign Law of 1886, and

The Federal Constitution of Mexico.

In the present work all the above laws have been carefully studied and digested, and their provisions arranged in as orderly a manner as possible, under the different heads into which it was thought proper to divide the Digest.

A portion of this work — especially that relating to the Mining Law proper — was done for me by Lic. Genaro Garcia, a learned Mexican lawyer, author of several works of standard value.

## PREFACE

The work of Mr. Garcia was, however, not of the scope necessary for English readers, and I have therefore added very largely to his compilation, especially in a technical aspect; including the Law of Taxes and Duties upon the Precious Metals and its Regulations, and also the Law of Water Rights in the Digest.

I have also added original chapters upon "Buying a Mine," "Cost of a Mining Concession," "How to Obtain a Mining Concession," "How to Obtain Water Rights," and many others, including several notes of practical value, a chapter on "Weights and Measures," and a fairly extensive "Glossary of Mining Terms."

A great amount of capital is being invested in Mexican mines, at the present time, by Englishmen, Americans and Germans, and the very densest possible ignorance of the provisions of the Mexican Mining Law is noticeable among these worthy persons.

I firmly believe that this little book will help every one interested in Mexican mines, who may give himself the trouble to read it, and to use it as a work of reference.

It will be carefully revised from time to time, in order to include all the new Legislation and Administrative Rulings, as well as other matter of interest.

The Reader is especially requested to forward to the Author a note of all deficiencies and mistakes he may encounter, so that they may be corrected in future editions.

RICHARD E. CHISM.

- Mexico, April 2d, 1900.

# RICHARD E. CHISM, Ph. D.

CONSULTING

AND

REPORTING MINING ENGINEER.

(GRADUATE OF THE MEXICAN GOVERNMENT SCHOOL OF MINES.)



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OF THE  
MEXICAN MINING CODE.

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# A

**Abandonment of Mines.** In the case that any mining company or mine owner should not desire to continue the exploitation of the mine or mines which they may possess, they shall announce the same in writing to the Principal Administration of the Stamp Tax, through the proper subaltern agency, so that the said Administration may forward the announcement to the Secretary of the Treasury, so that it may be noted in the Registry. A corresponding announcement shall also be published in the in the *Diario Oficial* (1) and a final account shall be drawn up (2).

All of this shall be communicated to the Administration of the Stamp Tax, so that whatever belongs to the petitioner shall be returned to him. (L. imp., Art. 8, and R. L. imp., Art. 17).

**Accidents in Mines.** The mine owners are responsible for any accidents that may happen in the mines on account of being badly worked. (L. min., Art. 22.) See *Exploitation*.

**Acciones.** [See SHARES, STOCK, MINING STOCK]. The shares of a mining company are personal property. (L. min., Art. 24; Cod. Commerce, Art. 22; Civil Code, Art. 689). This,

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(1) The *Diario Oficial* is the official daily newspaper of the Mexican Government.

(2) This final account is for the payment of outstanding taxes, or for the return of taxes paid in advance.

however, does not prevent the mines themselves from being considered as real estate.

**Account Books.** See *Libros*.

**Aceites Minerales.** [See MINERAL OILS, PETROLEUM]. The owners of the soil where these are met with may exploit them without the necessity of a special concession. (L. min., Art 4).

NOTE.—This applies to *bitumen* and *asphalt* as well as to petroleum, properly so called.

**Acreedores** [CREDITORS]. The creditors of a mine must register whatever contracts they may have made. (L. min., Arts. 24, 25 and 5, transitory, and Code of Commerce, Art. 19),

The creditors have the right to pay the taxes which may not have been paid by the owner of the mine in question, as soon as the failure to pay shall have been published on the Bulletin Board of the proper Agency of Fomento (Mining Agency). (R. L. imp., Art. 23).

NOTE.—*Fomento* is the usual abbreviation of the title of the Ministry or Department which has charge of everything relating to mining in the Mexican Republic. The full title is “Secretary of State for the Despatch of *Fomento*, Colonization and Industry.” The word *Fomento* is best expressed in English by *Encouragement*, but as this translation is not exact the Spanish word *Fomento* will be used throughout this Dictionary.

The mortgage creditors of mines, by paying the taxes, acquire a right of preference over the owner of the mining property in question, and even over the mortgage itself. (L. min., Art. 25, last part). Also see *Hipoteca*.

See under *Administrations of Stamp Taxes*, last paragraph, for further information about notification to creditors.

**Administraciones de Correos.** [See POST OFFICES, POST MASTERS]. The local postoffices are no longer empowered to receive sums of money from miners for the payment of stamps on the title-deeds to mining property. (C. Fom. of February 25th, 1893, and C. Hda. of June 25th, 1895).

See *Facturas*.

**Administration of Revenue Stamp Taxes.** These will collect the mining tax according to the principles of the Stamp Law of March 31st, 1887, and other existing laws.

The payment is to be made with Internal Revenue Stamps, which shall be restamped with a legend which shall cross them diagonally and bear the words "Mining Tax" (*Impuesto Minero*). (R. L. imp., Art. 17).

The Principal Administrations of Stamp Taxes shall make a Register of the mines located in their respective districts, which shall be formed from the data furnished by the Secretary of the Treasury.

Besides this, the Principal Administrations must take care that their corresponding subaltern administrations or Agencies shall remit to them at the proper time the stubs of the stamps sold for each mine, stuck upon a sheet which shall state, in each case, for which mines the stamps were sold, and if the sale of stamps corresponds to the area of the mines set forth in the titles and in the duplicates thereof.

When these sheets, with the stubs, are received, the Principal Administrations shall notify the Department of the Treasury. To this Department shall also be sent, at the end of each fiscal year, the dockets which are to be formed by the sheets belonging to each mining property. (R. L. imp., Arts. 19 and 21).

As soon as each four-monthly installment of the annual tax has become due and the Principal Administration has notice of non-payment, this shall be communicated to the

Mining Agent, who shall advertise the non-payment during one month.

**NOTE.**—On the Bulletin Board of the Agency.

If there is no Mining Agent within the jurisdiction of the Principal Administration of the Stamp Tax, said Administration itself shall notify the creditors of the mine, by means of the corresponding District Court, having ascertained beforehand in the local Register of Commerce who are said creditors. (R. L. imp., Arts. 23 and 24, and C. Hac. of December 17th, 1894).

When the periods of time mentioned in the last part of the Sixth Article of the Mining Tax Law shall have expired, without the tax having been paid, the Principal Administrations themselves shall notify the Treasury Department immediately and this Department shall at once advertise the property lost, and the Ministry of Fomento shall declare the mine as lost. (R. L. imp., Art. 25). Also see *Impuestos* (Taxes).

**NOTE.**—The last part of the Sixth Article of the Mining Tax Law prescribes that the default of payment of the annual tax upon mining property during the first month of each tri-yearly period shall cause the proprietor of the mine to incur a fine equal to fifty per cent. of the tax, if this is paid within the second month after becoming due; if the payment is made during the third month, the fine shall be equal to the amount of the tax. After the third month, if the tax and the fines have not been paid, the property of the mine shall be lost without further recourse. This shall be declared by the Treasury Department and published in the *Diario Oficial* (daily official newspaper) so that any other person may apply for the property.

**Advertisements.** See *Extracto*.

**Afinacion** [REFINING]. The duties to be paid for refining shall be one dollar and fifty cents for every kilogram or fraction of a kilogram of the piece of silver or gold which may be introduced into the mints for coinage. (L. of March 27th, 1897, Art. 1, Sec. IV, and the Tariff thereof of the same date).

See *Bullion*.

**Agentes de Correos** [POSTMASTERS]. These may receive and record applications for mining concessions and also the advices and vouchers for permits of exploration (prospecting permits), but only in case that the place of their residence is outside the jurisdiction of any Mining Agent. (R. L. min., Arts. 48 and 49).

**Agentes de Minería** [MINING AGENTS, AGENTS OF FOMENTO]. The Secretary of Fomento shall appoint in such mining districts, where in his judgment it may be necessary, special Agents dependent on his Department. These Agents shall receive and put through the proper course all applications for mining property and surplus ground that may be presented to them, and shall exercise such other functions as may be designated for them in the law and regulations. (L. min., Art. 16, and R. L. min., Art. 1).

An Agent of the Ministry of Fomento must be a Mexican citizen in full possession of his rights, and he must not be exercising any office of authority in the State or Territory where he belongs, nor in the Federal District. (R. L. min., Art. 3).

For the legal impediments of the Mining Agent, see *Impediments*. (R. L. min., Art. 5).

At the time of appointing each Agent the circumscription or the limits within which he is to exercise his office are to be designated, and the first boundaries, as well as any subsequent modifications of the same shall be published in the

*Diario Oficial* (official daily newspaper) of the Federation. (R. L. min., Art. 7).

For each Agent who may be appointed in any mining district, there shall also be appointed such substitutes as may be required according to the amount of business in the district in question. Said substitutes must have the same qualifications as the Agents and shall be the substitutes for the Agents in all temporary or permanent absences that may occur, as well as when, through legal impediment, the Agent is unable to act in any particular case, for any of which cases they shall be previously summoned by the proper Agent. (R. L. min., Art. 4).

The Agents, to exercise their office, must have a patent (despacho) with a stamp of ten dollars. When they forward this amount they must also remit three dollars and twenty cents for the signatures and formalities of the patent. (C. Fom. of August 29th, 1892).

Whenever any Agent wishes to absent himself from his place of residence for less than eight days he may do so by previously notifying his substitute to act.

The substitutes do not need a patent; for the discharge of their office simply the appointment conferred upon them shall be sufficient. (C. Fom., November 28th, 1892).

If the time of absence is to be longer than eight days permission should be previously obtained from the Ministry of Fomento, by notifying the cause of the absence and its duration, so that the Ministry may resolve upon the proper course. (C. Fom. of November 20th, 1892).

In case of death or of serious illness which prevents the proprietary agent from summoning his substitute, the latter may proceed to exercise the functions of the Agent, of which he shall immediately advise the Department of Fomento by

mail and also by telegraph, if the latter exists. (R. L. min., Art. 6).

The functions of the Agents are administrative only and are perfectly defined by the existing regulations as to mining. (C. Fom. of July 1st, 1892).

In case of doubt about the application of the law or its regulations the Agents must consult with the Ministry of Fomento. (R. L. min., Art. 1).

Agents have no right to accept more than the fee fixed by the proper Fee Bill, and they must consult the Ministry of Fomento with respect to the amount of their fees in any case not provided for in the Fee Bill. (R. L. min., Art. 8). See *Honorarios* (Fees).

The books kept by the Agents do not need other authorization than that of the Ministry of Fomento. (C. Fom., August 1st, 1892).

The duties or obligations of the Mining Agents are :

I. To make known to the public the place in which they attend to mining business and the hours they devote daily to said business, which business must not be interrupted except on Sundays and national holidays. (R. L. min., Art. 7).

II. To give course to applications for mining concessions in the manner to be described under the head of *solicitudes* (applications).

III. To give course in the same way to the prospecting permits as is laid down under *exploraciones* (prospecting).

IV. To proceed in case of withdrawal (*desistimiento*), amplification (*ampliacion*), reduction (*reduccion*), or correction (*rectificacion*) of claims, according to the rules laid down under each one of said Spanish words.

V. To remit to the Ministry of Fomento the information to which we refer under the word *informes* (reports).

It is expressly prohibited for the Agents to receive and keep on hand moneys intended for the payment of the annual mining tax. (C. Fom., April 12th, 1892).

The Agents are responsible for the errors or omissions in the dockets (*expedientes*) if said errors or omissions are imputable to them. (L. min., Art. 19, and R. L. min., Art. 31).

**Aguas Minerales** [MINERAL WATERS]. The owner of the soil where these are found may exploit them freely without any necessity of a special concession. (L. min., Art. 4).

**Alienation of Property.** See *Enajenación*.

**Amonedación** [COINAGE]. For the tax on coinage there shall be paid two per cent. of the value of each piece (bar) of silver or gold which may be introduced into the mints or exported to foreign parts. (Law of March 27th, 1897, Art. 1, Secs. II and V.

The basis for calculating the values of the precious metals for the purpose of liquidating the Coinage Tax is the value which the monetary laws of the country assign to the respective metals. For the present the value of a kilogram of silver shall be forty Mexican dollars (pesos) and fifty mills, and the value of a kilogram of gold shall be 675 Mexican dollars (pesos) and 416 mills. (Law of March 27th, 1897, Art. 2).

NOTE.—The above value for a kilogram of plata 1000 fine corresponds to a price of \$1.245 Mexican silver per Troy ounce. At present rate of exchange (December 12th, 1899) of \$2.11¼ Mexican for \$1 United States gold this would be \$0.589¼ United States gold per Troy ounce.

The above value for a kilogram of fine gold corresponds to a price of \$21.01 Mexican silver per troy ounce of fine gold, which, at the above exchange, would represent only \$9.9745 United States gold.



See *Metrical Equivalents, Weights and Measures. Also Bullion for Coinage.*

**Ampliation** [AMPLIFICATION, INCREASE OF CLAIMS]. The owners of any mining property may ask for an increase of the number of their claims, and for this purpose must subject themselves to the proceedings laid down for applications for a concession. See *Solicitud* (application).

The plan, which is to be drawn up by an expert in case of an increase of claims, shall include only the new claims which it is desired to acquire, showing the position of these with reference to the first property; the landmarks shall be placed upon the boundaries of the new concession. (R. L. min., Art. 42, and C. Fom., September 3rd, 1892).

The applicants for a mining concession may ask for an increase of the number of claims therein before the publication of their application upon the Bulletin Board.

The Mining Agents shall note this application for increase on the first application, on the duplicate thereof, in the Registry Book of the Agency, and shall also publish the summary of the application with the proper correction.

If the increase is desired after the publication of the summary, it will be necessary to withdraw the former application so that a new application may be at once presented. (C. Fom., August 1st, 1892).

**Antimony.** A mining concession in due form is indispensable in every case for the exploitation of antimony. Hence, no work will be permitted to be done in mines or placers of antimony unless they are protected by a duly registered legal title. (R. L. min., Art. 43).

Mines of pure antimony must pay an annual tax of \$2.50 Mexican silver per claim or hectare. Mines of antimony which contain gold, silver or platinum will pay the full tax

of \$10 per hectare or claim. When the concession consists of more than 50 claims and less than 100 claims, and the vein or deposit does not produce anywhere more than 250 grammes of silver or 10 grammes of gold per metric ton, then the Executive may reduce the annual tax to five dollars per hectare upon the number of claims in excess of one hundred. (Law of June 3rd, 1898).

**Apartado** [PARTING OF GOLD AND SILVER]. The parting fees are as follows: When the proportion of gold is not over 200 thousandths, \$1.25 Mexican for each kilogram; when the proportion of gold is more than 200 thousandths and not over 400 thousandths, \$2 Mexican per kilogram; when it is over 400 thousandths and less than 600 thousandths, \$2.50 Mexican per kilogram; and over 600 thousandths, \$3.00 Mexican per kilogram. In no case shall the charge be less than 50 cents. (Law of March 27th, 1807, Art. 1, Sec. IV, and the tariff of the same law).

The parting of gold for account of the introducer shall only be done when this party expresses in writing his desire for the parting, or when the grade of his bullion is above two thousandths. (Regulation of March 27th, 1897, Art. 7).

**Apelacion** [APPEAL]. The recourse of appeal is admitted for both effects, with respect to the decisions pronounced by local Judges of First Instance, in cases of opposition by the owner of the soil to the granting of any mining concession. (L. min., Art. 20).

NOTE.—“Both effects” mean a suspension of the original sentence until the appeal has been fully heard and a final unappealable decision has been reached.

**Apoderados** [ATTORNEYS]. All applications for mining concessions that are made in the name of a third party may

be admitted, always provided that the applicant who presents himself in that manner will give a bond and will promise to produce a legal power of attorney in proper form, at latest within the period of sixty days, which is to be allowed to the expert to present his plans and report. If said period is allowed to pass without the production of the power of attorney it will be at the prejudice of the interested party. (C. Fom., October 15th, 1892).

Attorneys should be appointed by a power of attorney in legal form if it is desired that the Ministry of Fomento shall deliver the titles to a property to the attorney.

Notwithstanding, and to avoid complications, the interested parties may, in their original application, or in a separate application to the Minister of Fomento, designate a person to whom the titles are to be delivered. (Especial ruling of Minister of Fomento).

It is not indispensable that in every case the applicant for a mining property must have an attorney or representative in the City of Mexico to receive the titles of a property. As soon as the papers are approved and the necessary stamps provided the titles will be sent to each interested party, without any expense to him. (C. Fom., July 1st, 1892).

**Appeals.** See *Apelacion*.

**Applications for Mining Concessions.** See *Solicitud*.

**Appraisements.** See *Avaluos*.

**Arancel** [FEE BILL]. See *Honorarios*.

**Arcillas** [CLAYS]. All classes of clay may be freely exploited by the owner of the soil where they are encountered without necessity of a special concession. (L. min., Art. 4).

**Arenas** [SAND]. Sand may be freely exploited by the owner of the land where met with without the necessity of a special concession. (L. min., Art. 4).

**Artefactos** [MANUFACTURED ARTICLES]. Manufactured articles or products of the goldsmith's art may be assayed by the mints or by Federal Assayers, on the application of the owners, for a certificate of their composition. (Reg. of Law of March 27th, 1897).

**Arsenic.** A proper concession is necessary in every case for the exploitation of arsenic. For this motive no workings shall be permitted in mines or placers of this substance unless they are authorized by a duly registered legal title. (L. min., Art. 3, Sec. A, and R. L. min., Art. 43).

**Assay Fees.** See *Ensaye*.

**Assay Samples.** See *Samples, Sample Lots*.

**Assay, Differences in.** See *Ensaye*.

**Associations.** Temporary associations or momentary partnerships, as mentioned in Article 268 and subsequent ones in the Code of Commerce, are not admissible in mining affairs. (L. min., Art. 24).

See *Sociedades* (Companies).

**Attorneys in Fact, or Representatives.** See *Apoderados*.

**Authorization.** By the law of June 6th, 1887, the Executive of the Union was authorized to make contracts to grant special franchises and ample concessions to such enterprises as would guarantee the investment of capital in the mining industry.

In like manner the Executive was authorized, by decree of October 31st, 1892, to make such modifications in the laws

of the 4th and 6th of June of the same year as he might deem necessary for the improvement and development of the mining industry.

The Executive was also authorized, by a decree of June 6th, 1894, to make contracts during one year from above date for the exploration and working of gold mines and placers, according to the conditions laid down in the same decree. This law expired by limitation and has not been renewed.

See *Capital and Deposito*.

**Avaluos** [APPRAISEMENTS]. For the appraisements to be made in the case of expropriations of the surface ground where mines are found, see *expropriation*.

**Avio** [HABILITATION]. A contract in virtue of which money or goods are furnished to the owner of a mine for the working thereof was called *avio* (for which the nearest English equivalent is *habilitation*) in the older mining laws of Mexico.

Such a contract is at present either a partnership or a mortgage. See *Sociedad* or *Hipoteca*. (L. mín., Art. 25).

The mining law of June 4th, 1892, provided expressly in the Article 5, transitory, the following :

The contract of *avio* and all contracts relative to mining affairs which may be in existence when this law commences to be in force shall be construed by their own stipulations and in omitted points according to the mining legislation in force at the time when the contracts were made.

But it shall be indispensable for the validity of future acts depending upon said contracts that said contracts should be registered according to the provisions of Articles 24 and 25 of this law within the term of one year from the time of the law coming in force.

In consequence, if in any case a mining business is transferred by any title to a third party, said third party shall be bound by all obligations proceeding from the contracts referred to, since these produce realty rights of action in law.

**Avisos** [ANNOUNCEMENTS, NOTICE]. On the outside of every Mining Agency there shall be a Bulletin Board, on which shall be posted a summary of each docket relating to an application for a mining concession. (R. L. min., Art. 21). See *Solicitud* (application).

On the same Bulletin Board shall also be posted the applications in opposition which may be presented (R. L. min., Arts. 27 and 32) and the citations for the conciliatory hearings incident thereto. (R. L. min., Arts. 29 and 33). See *Opposition*.

Any default in the payment of the mining tax must also be published on the Bulletin Board as soon as the Mining Agent shall receive notice of said default from the Principal Administration of the Stamp Tax.

Whenever the proprietor of a mine shall dispose of the same he must announce the change to the Mining Agent so that it may be noted in the Register.

The same must be done whenever the exploitation of a mine is discontinued, so that the account of taxes due may be made up and a proper note made in the Register. (L. imp., Arts. 7 and 8).

These announcements shall be made in writing to the Principal Administration of the Stamp Tax through the channel of the proper subaltern Administration or Agency. The Principal Administration must communicate these announcements, for their proper legal effects, to the Treasury Department. (R. L. imp., Arts. 26 and 27).

Any inhabitant of the Republic may explore freely for the purpose of discovery of mineral deposits in public lands, but must give notice of his intentions to the proper authorities according to the regulations. (L. min., Art. 13).

This notice must be given to the Mining Agent, in duplicate, specifying the limits of the zone of exploration.

The duplicate of the notice shall be endorsed by the Agent, with the day and hour of presentation, and returned by him to the applicant. (R. L. min., Art. 10).

See also *Extracto*.

**Azufre [SULPHUR].** A concession in due form must be procured for the exploitation of this substance. For this reason no work whatever can be permitted in mines or placers of sulphur which are not protected by a duly registered legal title. (L. min., Art. 3, Sec. B, and R. L. min., Art. 43).

# B

**Bitumen.** Can be freely exploited by the owner of the land. See *Accites Minerales*.

**Bismuth.** This can not be exploited without a proper concession in every case; for this reason no workings whatever will be permitted in mines or placers of this substance unless they are protected by a legal title, duly registered. (L. min., Art. 3, Sec. A, and R. L. min., Art. 43).

**Books, Account Books, Etc.** See *Libros*.

**Boletos [TICKETS].** These tickets, proving the payment of the mining tax by means of the cancelled stamps which they carry, are provided by the Stamp Tax officers and must be kept posted in a conspicuous place in the office of the mining concern. (R. L. imp., Art 22). For other requisites of these tickets, see *Impuesto Anual* (Annual Tax).

**Bond or Guarantee.** See *Fianza*.

**Bonds, Mining.** See *Hipoteca*.

**Bond Holders, Mining.** See *Hipoteca*.

**Boundary Lines.** See *Linderos* and *Monuments*.

**Buildings, Public.** See *Constructions*.

**Bulletin Board.** See *Avisos*.



**Bullion.** The pieces of bullion presented for coinage must be well melted and properly homogeneous. If they do not fulfill these conditions the pieces shall be remelted, for account of the introducer, if there are furnaces for that purpose, and if this is not the case the pieces shall be returned so that they may be presented in proper shape. (R. L. met. prec., Art. 8.)

No piece of bullion shall be admitted for coinage with a fineness of less than 900 thousandths.

If the bullion is of the above fineness or over, but if the gold and silver are alloyed with other metals in a proportion which does not allow their direct use for coinage, said pieces shall be refined and the cost of refining shall be charged to the introducer.

Bullion for exportation shall be assayed and the account rendered, no matter what metals are alloyed therein and no matter what the fineness of the gold and silver. (R. L. met. prec., Art. 9).

*See Samples, Sample Lots.*

Bullion, in bars containing gold and silver, or only one of these metals, pays an Internal Revenue Stamp Tax of three per cent. of its value. (Law of March 27th, 1897).

The weight of bars of silver or gold, or of mixed bars, shall be approximated to grams. If there are fractions of grams the number taken shall be the next lowest. (R. L. met. prec., Art. 11).

**Buying a Mexican Mine.** As a rule, well developed and working mines in Mexico are not for sale if in Mexican hands.

If a "going concern" belonging to Mexicans is offered for sale it is generally at a price far beyond the real value of the business. The Mexicans are inclined to hold on to anything

that pays a fair return on the investment, on the principle that "a bird in the hand is worth two in the bush."

If such a concern is offered for sale it is probable there is some flaw in the title or that there are other circumstances which make the owner or owners believe that the property is not likely to be a prosperous one.

This, of course is only a fair business view to take of the matter, and if no misrepresentations are made the buyer can have nothing to complain of.

The necessity of complete and thorough investigation by competent experts is indicated in such transactions.

Mexicans, however, are just as honest as mine owners elsewhere, and there is less "salting" done in Mexico than in most mining countries.

After the expert examination as to the character and prospects of the mine itself, the deal should not be consummated without a careful examination of the titles.

The primordial title to a Mexican mine is derived from the General Government under the mining law of June 2nd, 1892, and its correlative laws and Regulations.

No other title deed is worth a rush at the present time. See *Titulos*.

Ancient grants from the Spanish Crown, from Governments subsequent to the Independence, or from the individual states, have no value except as curiosities. or, perhaps, to show tenancy and possession of the surface property where the mine is situated, or to define rights of way or other easements, etc., etc.

The mining title from the Government, issued under the general Mining Law of June 6th, 1892, should be accompanied by a deed from the proprietor of the land, showing the acquirement of such part of the surface as may be necessary for mining purposes.

The same acquisition may be shown in certain cases, where expropriation suits have been necessary, by a certified copy of a judicial decision in a court of last resort or by a rescript from the Ministry of Fomento.

All of these cases and the primordial title must have been duly registered on the special Registry book for mining property. The documents relating to the purchase or transfer of real estate would be valid if registered according to the common law of the State or under the Commercial Code.

Every transfer of mining property subsequent to the acquirement of the primordial title should be registered on the Mining Register of the municipality, city, etc., where the mine is situated.

Always note that the date of said registration is approximately the same as that of the deed itself. If there is any notable difference of time between the date of the deed and the date of registry (say over a fortnight) this difference ought to be satisfactorily explained.

The transfer of mining property subsequent to the primordial title must always have been made in writing.

If the consideration named in the deed is less than two hundred dollars, the deed may be made as a private contract, with the proper stamps and before two or more witnesses. This is an *escritura privada*.

If the consideration is over two hundred Mexican dollars, the deed must have been drawn up on the "protocol" or register of some notary public and the copy thereof duly legalized and certified to by the notary. (Such a deed is called *escritura publica*).

It is best to insist on a deed drawn before a notary public or substitute officer acting as such under the laws of the State where the deed is made out, in all cases.

If the primordial title was made to a foreigner and the mine was located within twenty leagues of any frontier, a permit from the General Government authorizing the said foreigner to hold property within the above limit must be in evidence.

If any subsequent purchaser of said property was a foreigner, or a foreign company, said permit ought also to be produced or evidence of its existence shown.

If the party proposing to buy any property within the twenty-league limit is a foreigner, or a foreign company, permission from the Mexican government to hold said property ought to be obtained before said property is purchased.

According to the Foreign Law of Mexico the acquiring of real estate in Mexico by a foreigner makes the purchaser *ipso facto* a Mexican citizen, unless the said foreigner expressly states in the deed that he desires to retain his foreign citizenship. So be careful to do this.

Whether the price named in the deed be more or less than two hundred dollars the deed should be promptly registered.

If the vender of any mining property or real estate is a married man, always be sure that his wife signs the deed with him and renounces all her rights. Wives in Mexico are partners with their husbands in all business unless there is a antenuptial contract to the contrary.

If the mining or other property is sold to you by an estate be careful to thoroughly satisfy yourself that the deed is signed by an administrator (*albacea*) properly appointed by the court, with power to sell.

If there is any doubt on this point have the deed confirmed in court or take other measures to preclude trouble with heirs or legatees, especially with minor heirs.

Be sure that every deed to mining property or real estate is a *warrantee* deed (called *eviccion y saneamiento*), which will

enable you to fall back on the sellers in case there is any attempt to dispute your title.

Also see that there is a clause in the deed providing that there shall be no rescision of the contract on account of the price being too low (*lesion*).

The search of titles is frequently performed by the notary public who draws up the deed.

This is generally all right, but whenever any large amount of money is concerned the purchaser should have the report of the notary confirmed by some independent person of his confidence.

The present writer has had long experience in these matters, and will be pleased to advise upon the legal as well as upon the technical points involved in any purchase of real estate property or mining property in Mexico.

If any large extent of landed property is conveyed, the surveys may have been copied from old deeds. In such cases it is best to have the surveys rectified by a competent engineer.

## C

**Caducidad** [LOSS OF MINING PROPERTY]. The default of payment of the tax constitutes the only cause of the loss of mining properties, which in this case become free of all liabilities and may be adjudicated to the first applicant who shall fulfil the legal requisites. (L. min., Art. 29).

The declaration of the loss (*caducidad*) of a mining property shall be made by the Secretary of the Treasury and published in the *Diario Oficial* (official daily newspaper of the Mexican Government). (L. imp., Art. 6).

**Caminos** [ROADS] and **Canals**. No prospecting work shall be carried on near roads or canals at any distance less than thirty metres from their exterior lines. (R. L. min., Art. 14).

**Capital**. Such concessionaries who may have entered into a contract with the Executive of the Union for the exploration or exploitation of gold mines or placers, according to the law of June 6th, 1894, must invest in their enterprises during the first three years a capital of at least five hundred thousand *pesos*, which they must increase to one million of peses within the five following years. (Law cited, condition 11).

**Carta Poder** [POWER OF ATTORNEY BY LETTER]. A power of attorney by letter is not sufficient for a third party to represent interested parties for the presentation and subse-

quent proceedings incident to an application for a mining concession. (C. Fom., October 19th, 1892).

See *Apoderados*.

**Certificates.** The Secretary of the Treasury published a circular under date of August 15th, 1894, in which it was provided that for no cause whatever shall the Administrations of the Stamp Tax make out duplicate certificates for sums left on deposit with them to pay for the stamps destined for mining titles, and that the single certificate which is made out shall be delivered to the person who makes said deposit.

The Treasury Department, under date of June 25th, 1895, ordered that the interested parties must provide themselves with stamps at their own cost and risk.

**Circulation** [OF GOLD AND SILVER BULLION]. See *Transportation*.

**Claims, Mining.** See *Pertenencias, Unit*.

**Clays.** See *Arcillas*.

**Coal.** This can be freely exploited by the owner of the lands where it may be found without necessity of any special concession. (L. min., Art. 4).

**Cobalt.** For the exploitation of this metal it is necessary in every case to obtain the proper concession. Hence, no workings will be permitted in mines or placers of the said substance which are not protected by a legal title duly registered. (L. min., Art. 3. Sec. A. and R. L. min., Art. 43).

**Cobre** [COPPER]. This metal cannot be exploited without previously obtaining the proper concession, and for this reason no workings will be permitted in mines or placers of

this metal which are not protected by a legal title duly registered. (R. L. min., Art. 43).

By the law of June 3rd, 1898, mines of pure copper should pay an annual tax of \$2.50 Mexican per claim or hectare, but mines of copper carrying gold, silver or platinum must pay the full tax of \$10 Mexican per hectare.

**Coinage.** See *Amonedacion*.

**Coinage, Bullion for.** See *Bullion*.

**Collection of Mining Taxes.** See *Recaudación*.

**Combustibles.** Mineral combustibles can be freely exploited by the owner of the soil where they may be met with. (L. min., Art. 4).

**Companies, Mining.** See *Sociedades*.

**Competency.** For the judges competent to try crimes and misdemeanors in mining matters, see *delitos* (crimes) and *jueces* (judges).

**Concessions, Mining.** Any inhabitant of the Republic may present an application for a mining concession. Foreigners are subject to slight restrictions in certain localities, for which see *Extranjeros*.

The substances for whose exploitation it is indispensable, in every case, to obtain a proper mining concession are the following:

A. Gold, platinum, silver, mercury, iron (except bog ore, alluvial ore and ochres mined for coloring material), lead, copper, tin (except placer tin), zinc, antimony, nickel, cobalt, manganese, bismuth and arsenic, whether all these substances are found in the native state or mineralized.



B. Precious stones, rock salt and sulphur. (L. min., Art. 3).

The substances which the owner of the soil where they are found in place may exploit freely and without the necessity of a special concession in any case, are the following :

A. Mineral oils and mineral waters; the country rock, which is to be used either for itself directly or as raw material for ornamentation and construction; the materials of the soil, as earth, sand and clays of all kinds.

B. In general all other substances not before excepted. (L. min., Art. 4).

It is to be noted that with the one exception laid down under *exploraciones*, which see, all concessions belong to and will always be given to the first applicant, and will include, in all cases where there is sufficient free ground, the number of claims that may be asked for by the applicant. The applicant must specify with the utmost clearness, and according to the rules laid down under *solicitudes* (applications) which see, the situation which the claims that he desires to take up may occupy on the ground. (L. min., Art. 15.; C. Fom., No. 32, October 31st, 1899).

For greater clearness we will note that the law extends complete liberty with regard to the number of claims in each concession, without taking into account whether the applicants are one or several, neither whether or not they constitute a company, and the interested parties may acquire as many claims as they may wish. (C. Fom. of July 1st, 1892).

Nevertheless, this liberty must not be abused. The limits of each concession and its situation upon the ground, the locality of the claims in each municipality, the local landmarks by which the concession is to be identified, the nature, form and situation of the mineral deposit which it is desired to exploit, etc., etc., must be most carefully designated,

otherwise the application can not be received nor registered. (C. Fom., October 31st, 1890).

The course of proceedings laid down for obtaining a mining concession is detailed under *Solicitud*.

**Concealment of Number of Claims.** See *Multa*.

**Conciliatory Meetings.** See *Juntas*.

**Consent.** See *Edifices*.

**Constructions, Public.** No prospecting work shall be carried on near any public construction whatever, unless at a distance of 50 metres from its exterior lines. (R. L. min., Art. 14).

**Constructions, Private.** See *Edifices*.

**Contracts.** See *Avio*, *Hipoteca*, and *Zonas Mineras*. See also *Autorizacion* for everything concerning the contracts made with the Executive of the Union for the exploration and exploitation of gold mines and placers according to the law of June 6th, 1894, which expired by limitation and is not now in force.

**Contribuciones [MINING TAXES].** See *Impuestos*.

**Copper.** See *Cobre*.

**Copies.** The Mining Agents will be careful to remit to the Ministry of Fomento the copies of the docket relating to each concession, and the copies of the respective summaries. (C. Fom. of February 21st, 1893). See *Estampillas*.

Whenever any of the interested parties may ask for copies of the plans which exist in the archives of the Agencies, such

parties or the persons whom they may designate for that purpose shall be permitted to make said copies on the premises of the Agencies. (C. Fom. of September 1st., 1892).

The Mining Agents must use the greatest clearness in the copies which they may remit to the Ministry, but at the same time must take care to be concise in the diction of the summaries, minutes and notes which may be spread upon the dockets. (C. Fom., July 1st, 1892).

When copies of dockets are to be sent to the proper courts in cases of opposition, they are to be delivered to the applicant for that purpose, so that, on his responsibility and within the time to be fixed by the Agent, such delivery shall be effected. (R. L. min., Art. 31).

When copies of the docket are to be presented to the Ministry of Fomento for examination and decision, such copies may be delivered by the Agents to the applicant, to be presented in the said Ministry. (R. L. min., Art. 34).

If the said copies are not presented within the time designated by the Agent at the time of delivery, the applicants shall suffer such penalties for their delay as are laid down in Article 19 of the Mining Law and Article 36 of the Regulations of the same law.

According to Article 19, above cited, the Ministry of Fomento may declare that the dilatory applicant has desisted from his application, and the applicant is barred from applying again for the same concession.

By Article 36 of the Regulations the dilatory applicant or oppositor may be declared to have desisted from his application or opposition. See also C. Fom. of November 1st. 1899.

**Cost of a Mining Concession.** See *Honorarios*.

**Creditors.** See *Acreedores*.

**Criaderos** [MINERAL DEPOSITS]. For the law relating to superficial deposits of mineral substances, see *Placers*.

**Crimes and Misdemeanors, Official.** See *Delitos, Jueces, Infracciones*.

**Crimes and Misdemeanors, Common.** See *Delitos, Jueces, Infracciones*.

# D

**Decisions, Judicial.** See *Sentencias*.

**Deed of Contract.** See *Escritura*.

**Deed, Title.** See *Titulo*.

**Default of Payment of Taxes.** See *Avisos, Administration of Stamp Taxes, Caducidad*.

**Delitos** [CRIMES AND MISDEMEANORS, OFFICIAL]. The crimes and misdemeanors committed officially by the Mining Agents shall be tried before the District Judges (Federal Judges) according to the proper laws.

Common crimes and misdemeanors committed in the mines shall be subject to the jurisdiction of the local judges, without prejudice to the power of the Federal authorities to impose a ministerial punishment. (L. min., Art. 31).

See *Suceses* and *Infracciones*.

**Demasias** [SURPLUS MINING GROUND, GORES]. If there should remain between claims lately conceded and others of longer existence a space or gore less than the Unity of Concession (see *Unit*) such space or gore shall belong to the first applicant and be to him adjudicated. (L. min., Art. 15).

The Transitory Article 2 of the same law is as follows: The "demasias" (gores or spaces) existing between contiguous or conterminous properties, and which have not been

denounced at the time this law takes effect, shall belong and be adjudicated to the first person who may apply for them.

See *Denuncios* and *Fracciones*.

### **Denuncios** [DENOUNCEMENTS].

NOTE.—The word “denounce,” as applied to mining affairs in Mexico, came into the English language about 1827. H. G. Ward, in his book upon Mexico, published in 1827 or 1828, was the first or one of the first to use the term, and he defines it as follows: “To ‘denounce,’ in the Mining Code of Mexico, implies that process by which a legal right of possession is obtained to a particular portion of any vein, worked or unworked, known or unknown, which a miner chooses to select for his operations.”

The word is almost equivalent to “announce” in English, and has no opprobrious significance whatever.

According to the anterior mining legislation of Mexico the applications for mining concessions were called *denuncios* (denouncements), but the term is no longer in legal use under the present law, although it is still commonly employed in colloquial language when discussing mining matters.

With respect to denouncements, the Transitory Article 1 of the Mining Law of June 4th, 1892, says: All denouncements of mines or of *demasias* (gores) which are in course of procedure when this law commences to take effect shall continue to be in procedure, and the necessary decisions thereon shall be made according to the present law.

See *Solicitudes*.

### **Deposit, flineral.** See *Placers*.

**Deposit.** A deposit of at least \$10,000 Mexican, in bonds of the Public Debt, must be made by the concessionaries who enter into any contract with the Executive of the Union

for the exploration or exploitation of gold mines or gold placers, according to the decree of June 6th, 1894.

Said deposit is for the object of guaranteeing the fulfilment of the contract and cannot be withdrawn until after proof that \$200,000 Mexican have been invested in the enterprise. (Law as cited, 14th condition).

**Derogation.** The Mining Law of June 4th, 1892, expressly derogated the Mining Code of November 22nd, 1884, as well as the circulars and enactments relative thereto, and also Article 10, of the law of June 6th, 1887, relative to mining taxes, etc., etc.

**Desagüe** [DRAINAGE, UNWATERING]. The mine owner may adopt such systems of drainage, etc., as he may see fit, but is responsible for the damage and loss that may be occasioned in other mining property for lack of drainage. (L. min., Art. 22).

The mine owner is liable to pay damages and losses occasioned by total lack of drainage or for not having maintained the drainage up to the necessary point, causing a flow of water from one underground working to another, etc. (L. min., Art. 12, Sec. I).

Drainage tunnels or galleries have a right of passage through any mining claim. (L. min., Art. 12, Sec. I).

See *Socavones* and *Servidumbres*.

Drainage tunnels cannot be devoted to other purposes without the unanimous consent of all interested. (R. L. min., Art. 12, Sec. X).

**Desistimiento** [DESISTENCE]. An application for a mining concession may be desisted from, after or before the publications, by appearing in person or in writing.

If the desistence is made before the publications and by appearance, it will be sufficient for the appearance to be

spread upon the docket, and the minute to be signed by the applicant for the docket to be placed in the archives.

If the desistence should be made in writing, the document shall be added to the docket, which shall then be placed in the archives.

If the desistence should be made during the publication of the advertisements, these shall be taken down from the Bulletin Board of the Agency where they are being published and the same procedure shall be followed as in cases of desistence by appearance or in writing, before publication.

In the case of a voluntary desistence, when all the legal requisites have been complied with in the proceedings upon the docket, the Mining Agents shall proceed to make a proper publication thereof on the Bulletin Board for a period of fifteen days, and until this period is concluded no applications for a concession which may be presented, covering the same ground, shall be received or registered.

If the application for a desistence shall have been presented in any case in which the requirements of the Law and of the regulations shall not have been fully complied with in the anterior procedure. the Mining Agents shall note the non-compliance in the respective docket, the application for desistence shall not be acted upon, and when the time laid down in the regulations has expired the docket shall be remitted to the Secretary of Fomento for an appropriate disposition of the same. (C. Fom., March 1st, 1897, Secs. 3 and 4).

It should be noted that any omission in the presentation of applications, the supplying of stamps, publications or advertisements, payment of fees, attendance upon hearings, and in general the omission of any one of the proceedings prescribed for the obtaining of a mining concession or for making opposition thereto, whenever such an omission is imputa-



ble to the applicant or to the opposers, will be the cause, for the applicants, of considering them as having desisted from their application for a concession, and for the opposers of considering them as having desisted from their opposition and as being in conformity with the claims brought forward by the applicants. (R. L. min., Art. 36).

**Despachos** [COMMISSIONS]. It is necessary that commissions be made out to the proprietary Mining Agents in the States and Territories for the exercise of their functions, with a cancelled ten dollar stamp. (C. Fom., July 22nd, 1892).

As far as concerns the substitute Agents, they are not obliged to have commissions on account of the fact that the salary they receive is eventual and the period of their functions is very short. (C. Fom., November 28th, 1892).

**Deputations, Mining.** The former Mining Deputations, or the officers that fulfilled their functions, had to deliver their dockets to the Mining Agents, according to strict inventory, when the Regulations of the Mining Law of June 35th, 1892, came into effect. (Article 1, Transitory, of said Regulation).

**Differences in Assays.** See *Ensaye*.

**Docket.** This is the word chosen by the present translator to represent the Spanish word *expediente* or *autos*, meaning a collection of documents relating to any administrative, civil or criminal procedure. See *Expediente*.

**Doubt.** In case of doubt about the application of the Mining Laws or Regulations, the Mining Agents must consult with the Ministry of Fomento. (R. L. min., Art. 1).

**Drainage, Mine.** See *Desagüe*.

**Duties, of Mining Agents.** See *Agentes de Minería*.

**Duplicates.** See *Avisos* or *Solicitudes*.

# E

**Edifices.** Inside of private edifices and their dependencies, prospecting can only be done by consent of the owner. (L. min., Art. 23).

Near private or public edifices and their dependencies it shall not be permitted to do prospecting work except at a distance of 50 metres from the exterior lines of said edifices. (R. L. min., Art. 14).

**Enajenacion** [ALIENATION OR TRANSFER OF PROPERTY]. Whenever a mine shall be alienated or transferred by its proprietor he shall give the corresponding notice thereof (see *aviso*) so that it may be duly noted in the Registry.

The deed of sale must be provided with stamps, as laid down in the Stamp Law. (L. imp., Art. 7).

**Encumbrances on Mining Properties.** See *Gravámenes. Caducidad.*

**Ensaye** [ASSAYS, ASSAY FEES]. The assay fees to be paid shall be as follows:

Bars of silver or gold or mixed bars, whose fineness shall be at least 100 thousandths: for each bar that is not over 35 kilograms weight, two dollars fifty cents, Mexican: if over said weight, it shall pay the same amount for every ten kilograms or fraction of ten kilograms.

Bars of lead, copper or of any other class of metal which do not contain as much as 100 thousandths: for every five tons (metric) or fraction of that weight contained in the lot, two dollars fifty cents, Mexican.

Artificial sulphides, concentrates, mineral matter and residues: for each lot or fraction of a lot, according to the class, five dollars Mexican. See *Sample Lots*.

Manufactured articles or objects of goldsmiths' work: for each assay, including the mint mark, one dollar Mexican.

The assay fees are to be paid in every case, whether the pieces of gold and silver are presented for coinage or whether the metals or substances assayed are for exportation. (L. met. prec., Art. 5).

In the assay of bars whose fineness shall be at least 100 thousandths, the fineness of silver contained shall be determined down to thousandths, and the fineness of the gold to half-thousandths.

For such metals as shall be less than 100 thousandths fine, the fineness shall be determined to 10 thousandths for silver and to 100 thousandths for gold.

In other substances the determination shall be to 100 thousandths for silver and to millionths for gold.

In every case the next inferior number shall be taken if there are fractions less than the indicated limits. (R. L. met. prec., Art. 12).

The assay of all substances or pieces which may contain precious metals shall be made by the dry way, and, if possible, by two employees separately. In the contrary case, the assay may be made by one person, who shall perform all the operations in duplicate. (R. L. met. prec., Art. 13).

Then the results of the assays are compared the average shall be taken as a definite determination, whenever the differences are not greater than:

3 thousandths for the silver in the pieces.

Five 10 thousandths for the gold in the pieces.

Two 10 thousandths for the silver in all other substances.

One 10 thousandth for the gold in all other substances.

If the differences are greater the assay shall be repeated or new samples taken, or even a bar may be remelted, at the expense of the interested party, if these things can be done. In the contrary case, the average of the results obtained shall be taken as the final determination. (R. L. min., Art. 14).

The interested party may ask for a repetition of the assay or of the weighing if there has been any defect in either operation and if he is not in accord with the account as rendered, or he may withdraw his bullion, paying the expense of the first assay.

The second, or repeated, assay shall be done in the same office, in the presence of the chief, by the person who may be designated by the interested party and upon a new test piece taken in the presence of the introducer.

Only in the case in which the second assay differs from the first by less than the amount of the tolerance (as above) shall fees be charged for the second assay. If the difference is more than the tolerance only the first assay shall be charged for. (R. L. met. prec., Art. 18).

The administrator of any custom house of export who may suspect or learn by information that the bullion or other substance to be exported is not the same as appears in the documents may order a new weighing and new samples to be taken, which shall be remitted to the General Direction of the Mint, so that the assays may be repeated.

If the difference exceeds the limit of tolerance, as above, the case shall be passed upon by the Secretary of the Treasury. (R. L. met. prec., Art. 30).

The assay shall be made, at latest, on the day following the presentation of the bullion, if not a holiday. (R. L. met. prec., Art. 15).

The mints or assay offices shall make known to the interested parties the weights of the bullion or other substances presented and the respective liquidation on the third day from the presentation thereof. (R. L. met. prec., Art. 17).

Whenever the exportation of copper, antimony, iron, zinc, and other ores that usually contain gold and silver is attempted, and the interested parties state that they do not contain the precious metals, the Custom Houses may proceed as in the cases under the General Ordinance, but ascertaining by assays that said ores do not contain precious metals.

In case they are found to exist in said ore, the duties, taxes and penalties shall be applied, for which purpose a bond must be given before shipment. (R. L. met. prec., Art. 40).

Assay samples shall be preserved, duly classified, for six months, so as to check the assays; or, when this is no longer necessary, to return the same to the parties in interest upon solicitation.

If the return of the assay samples is not asked for within six months they shall be deemed ceded to the Treasury, as also the grains resulting from remelting of bullion for account of private parties. (R. L. met. prec., Art. 31).

The Administrator of any Custom House shall order assays to be made of bullion or substances which arrive regularly invoiced but have not passed through a Mint or Custom House, the samples to be taken according to Regulations, or more samples, if the substances appear not to be homogeneous. (R. L. met. prec., Art. 42).

Samples are to be divided into three parts, one for the party in interest, one for the Government Assay Office, the third to the Director General of the Mints for the checking of the assays.

The employees of the Government Assay Office are personally responsible to the Treasury for any loss to the Treasury found when the assays are checked. (R. L. met. prec. Art. 42). See *Samples, Sample Lots*.

**Escalas** [SCALES OF PLANS]. The scales of the plans of mining claims shall always be decimal and proportional, in size, to the object of the plans. (R. L. min., Art. 39).

In the case of the imposition of a tunnel right of way the plan of the horizontal projection and of the profile of the tunnel, which must be presented to the agent, shall be drawn to an appropriate decimal scale. (R. L. min., Art. 45).

**Escritura** [DEED OF CONTRACT]. Only by virtue of unanimous consent, expressed in a public deed of contract by the interested parties to a general drainage tunnel, may said tunnel be destined for other purposes than that of drainage. Said deed of contract must contain, under penalty of nullity, all the stipulations which refer to passage or transit in the underground workings. (R. L. min., Art. 12, Sec. X).

It shall be indispensable, when a ventilation right of service is established, that any agreement which may be formed between the owners of the property which enjoys said right of service and the owners of the property subject to said service as to the non-usage of grating doors between the two properties, to impede passage or transit, shall be duly set forth in a public deed of contract. (L. min., Art. 12, Sec. XIII).

For the legal imposition of any right of service to the easement of any mining property, or as a servitude upon another, the requirements shall be: the consent of the owner of the property subject to said right of service, to be expressed either in a public deed of contract or in a declaration, signed and ratified before some judicial authority or

before the Secretary of Fomento; or an administrative decree, consented to by the interested parties; or a judicial decision. (L. min., Art. 12, Sec. XVIII).

See *Enajenacion*.

NOTE.—An *Escritura Publica* (public deed) is a contract drawn up before a notary public or some other officer who has notarial functions.

**Estampillas** [REVENUE STAMPS]. The Federal tax upon mining property is of two kinds, one to be paid in revenue stamps once only, the other to be paid annually (L. imp., Art. 1). Said stamps shall be of those for documents and account books (R. L. imp., Art. 2) and shall be cancelled by the Ministry of Fomento. (Before June 30th, 1892, the cancellation was made by the local Treasury sub-agency). (L. imp., Art. 3).

The revenue stamps will be demanded from the parties in interest by the Ministry of Fomento, directly or through the local agency, as soon as the docket has been approved and the title deed ordered to be made out. (C. Fom. of September 1st, 1897).

The second (annual) part of the mining tax is to be paid by Internal Revenue stamps, which shall be marked diagonally across the face by a counter-stamp, with the words *Impuesto Minero* (Mining Tax). (R. L. imp., Art. 17).

To remove all doubts the Treasury Circular of May 11th, 1897, prescribes that the title deeds of mines shall be legalized with common revenue stamps, and that the annual tax is to be paid in special counter-sealed stamps.

Applications for mining concessions must have a fifty-cent revenue stamp on each leaf.

The use of revenue stamps is not required in the reports and explanations which the mining surveyors send along

with the plans, since stamps are not required on the plans themselves. Neither should stamps be used on the copies of the docket, because the original docket must contain the stamps provided for by law and also because said copies are and should be regarded as official memoranda. (C. Fom. of October 19th, 1892).

The copies to be given to the mining expert surveyors of their respective appointments must have a ten-cent revenue stamp. (C. Hac. of October 29th, 1892, and C. Fom. of November 12th, 1892).

Applications for a reduction in the number of claims must have a revenue stamp of fifty cents on each leaf. (C. Fom. of November 13th, 1892).

The prospecting permits made out unconditionally by private parties on their own lands do not cause any stamp tax, but if they contain any conditions, of whatever nature, the permits shall be considered as contracts and must have a revenue stamp of fifty cents per leaf.

But the notice that must be given to the local Mining Agent before commencing prospecting work in public lands do not require, in any case, the use of revenue stamps. (C. Hac. of August 20th, 1892, and C. Fom. of October 17th, 1892).

However, such copies of the prospecting permits as may be published on the Bulletin Board of the Mining Agency must have, on each leaf, a fifty-cent revenue stamp. (C. Hac. of April 5th, 1898).

To one copy of the manifest, which the possessors of a mine must present to the local Treasury Agency, in duplicate, when the original title deeds of the mine are missing, according to the decree of October 21st, 1892, a ten-dollar revenue stamp should be affixed for every hectare of ground. When the new title deeds are made out for such mines by the Ministry of Fomento, the revenue stamps should be furnished



by the Secretary of the Treasury without charge, and to the amount just mentioned.

The revenue stamps necessary for any mining title deed will be asked for, from the interested party, by the Ministry of Fomento, directly or through the Mining Agents, *after* the docketts have been approved and the making out of the title deeds has been ordered.

Consequently, Mining Agents have been notified not to receive nor to ask the applicant for the revenue stamps necessary for any mining title deed.

The applicants are not allowed to send their stamps to the Ministry of Fomento in advance.

The above is the substance of the Circular of Fomento of September 1st, 1897, which modified Article 35 of the Regulations of the Mining Law and did away with other provisions to the contrary.

**Estaño [TIN].** The exploitation of this metal requires a proper concession in every case. No workings will be permitted in mines or placers of this metal unless protected by a duly registered legal title. (L. min., Art. 3. Sec. A. and R. L. min., Art. 43).

**Excavations.** The excavations to be made on public lands for the purpose of prospecting for mineral deposits must not exceed ten meters in dimensions, neither in length or depth. (L. min., Art. 13).

**Exemptions.** Such mines as have been exempted expressly by a contract made by the Executive, in virtue of authorization by the Legislative power, or approved by said power, are excepted from the payment of the annual tax upon their claims, but this exemption will last *only* for the period stipulated in the contract and can not be prorogated. (L. imp., Art. 4).

Such portions of mining tunnels as may be outside of the claims are also exempt from the mining tax when the tunnels are devoted exclusively to ventilation and drainage and to the extraction of ores not proceeding from the tunnel itself. (L. mfn., Art. 33).

The concessionaries who may have entered into a contract with the Executive of the Union for the exploration and exploitation of auriferous mines and placers, according to the decree of June 6th, 1894, shall be exempt, during ten years, from every Federal tax except the annual mining tax, other stamp taxes, and the fees for coinage, parting and assaying.

The said concessionaries shall enjoy a reduction in the annual mining tax referred to during ten years, arranged in such a manner that payment shall be made in the first year of only the tenth part of the taxes in force, and in the eleventh year they shall pay the whole tax due at that time. (Decree of June 6th, 1894, conditions 9 and 10).

**Expedientes** [DOCKETS]. These are the collections of papers relating to any application for mining or other concessions, or to administrative, civil or criminal business in general. Such collections are begun when the cases commence and are added to as the proceedings go on, until at the end they contain in a compact form all the documents or memoranda, judicial notices, and decisions relating to that particular case.

These collections are also called *autos*, although the latter word is principally used in connection with the *expedientes* compiled during a law suit and not in administrative business.

The present translator uses the word "docket," which seems to be the nearest English equivalent.

The dockets, if delivered to interested parties to be sent to the Ministry of Fomento or to a court of justice, in cases

of opposition, must be punctually delivered at their destination within the time set by the Mining Agent, under penalty of the party in interest being held to have forfeited his rights for dilatoriness.

In an opposition the District Federal Judge is to institute proceedings to recover the original docket when notified of its non-appearance by the Ministry of Fomento.

In cases where the docket relating to an uncontested application for a concession is not presented in time to the Ministry of Fomento, the latter will declare the applicant in default. (C. Fom. of November 1st, 1899)

Revenue stamps used in the docket, if any, are always paid for by the applicant, unless in cases of opposition, when the opposer must pay stamps on the documents he may present.

**Experts, Mining.** See *Peritos* or *Operations*.

**Explorations** [PROSPECTING FOR MINERALS]. Any inhabitant of the Republic may undertake exploration work on public lands by giving notice thereof, in duplicate, to the local Mining Agent, in which notice shall be accurately laid down the boundaries of the zone of exploration.

The Agent shall return one duplicate notice to the explorer, after endorsing thereon the day and the hour of the presentation thereof, and shall notify the explorer that in case of making excavations there they shall not exceed ten meters of extension, neither in length nor in width. (L. min., Art. 13, and R. L. min., Art. 10).

In those localities of the Republic which are not comprehended within the district assigned to any Mining Agent, the notices and vouchers for prospecting permits shall be presented to the local postmaster, who, in this case only, may receive said documents and shall note on them the day

and hour of presentation and, besides, he shall give immediate notice to the Ministry of Fomento by mail and by telegraph, if there is one. (R. L. min., Arts. 48 and 49).

Upon lands belonging to private owners prospecting can only be done by the permission of the owner or of his representative. These persons, if they consent, must give to the prospector a proper voucher with an indication of the boundaries of the lands where the prospecting is to be done. This voucher is to be presented to the Mining Agent, so that he may take note thereof and return it to the prospector, after having noted thereon the day and hour of the presentation. (L. min., Art. 13, and R. L. min., Art. 11). See *Estampillas*.

If the necessary permission cannot be obtained from the owner or his representative the prospector may apply for it to the local Mining Agent, offering a bond for the damages and losses that may be caused.

The application shall be on view for the owner of the land for the term of fifteen days, and he shall be notified that unless he puts in an objection he will be held to be a consenting party thereto.

When the above term has expired the Mining Agent shall give the proper decision and, if necessary in any case, shall fix the amount of the bond after a careful estimate of the damages which truly and positively may be caused to the owner of the land, so that the bond may not be excessive.

When the bond has been drawn up the Mining Agent shall give to the prospector a proper voucher with a description of the boundaries of the zone of exploration. (L. min., Art. 13; R. L. min., Art. 12, and C. Fom. of July 1st, 1892).

During the peremptory term of three months, counted from the date of the notice, of the permit, or of the administrative decision just referred to, the Mining Agent shall admit for the prospecting zone and within the limits thereof,

only such applications for a concession as may be presented by the prospector himself. (L. min., Art. 13, and R. L. min., Art. 13).

In those cases where the Mining Agent may receive an expert report, under the responsibility of its author, in which the existence of subterranean gold placers is indicated, the term of exploration may be lengthened up to one year. The rest of the proceedings shall be the same as for other prospecting permits, except that the shafts to be opened for prospecting may be as deep as may be necessary. (Law of November 13th, 1899, Art. 1). See *Subterranean Placers*.

The lengthening of the term of exploration for subterranean gold placers is not to prevent the applications for mining concessions, according to the laws in force, within the limits of the zone of exploration, to exploit deposits of any other minerals. (Law of November 13th, 1899, Art. 2).

The Mining Agent will be careful to publish, on his Bulletin Board, a copy of the prospecting permit, notice or administrative decision, and must indicate, at the end of the respective copy, the exact dates on which the exploration should commence and terminate. (Law of December 14th, 1897, Art. 2). See *Estampillas*.

When the peremptory term above noted has expired, no new prospecting permits shall be admitted to registry for the land explored, nor shall any prospecting notice be admitted with respect to the same ground, until after the expiration of six months, during which time the ground in question shall remain entirely free for applications for mining claims situated therein.

Within mining camps, where there are properties in possession, prospecting shall only be done on ground which is at least 200 meters from the boundaries of the claims or in abandoned mines.

In every case the prospector must clearly and precisely designate the situation and boundaries of his ground. (Law of December 14th, 1897, Art. 1).

Inside of private edifices and their dependencies prospecting can only be done by permission of the owner.

Prospecting is not permitted near the nucleus of any town, but only at the distance of fifty meters from the exterior lines of public and private residences and their dependencies. The same distance shall be observed with respect to any other public work or construction, but may be reduced to thirty meters from the exterior lines of common roads, railroads and canals.

As far as relates to fortified points, the minimum distance at which mining exploration can be carried on shall be one kilometer, starting from the exterior line of the works. (L. min., Art. 13, and R. L. min., Art. 14).

According to the General Custom House Ordinances, Art. 452, such persons as may arrive from foreign parts to prospect for lands or mines, and who bring with them wagons, carriages, tools or instruments for prospecting, and who may solicit permission to enter the country therewith, may obtain the same from the Secretary of the Treasury, at his discretion. Such parties must give a bond, to the satisfaction of the local Custom House Administrator, to cover the amount of duties that may be determined at the time of arrival and which must be paid if the re-exportation of the goods is not made within the time fixed by the Treasury Department.

**Exploitation.** The exploitation of mineral substances, whether those that are subject to concession or whether those that belong to the owner of the soil where they may be found, is subject to all the regulations that may be estab-

lished for police and security.\* After said regulations have been complied with the miners shall enjoy the most complete liberty of industrial action, to work in the manner which may suit them best, with activity, more slowly, or suspending their labors for a greater or less time. They may employ in their workings any number of workmen they may choose and at the point which they may believe to be most appropriate, and they may follow the systems which they may find most convenient for their private interest for removal, extraction, drainage and ventilation.

Notwithstanding, the mine owners stand responsible for any accidents that may occur in the mines through bad working, and must pay the damages and losses that may be occasioned to other proprietors for lack of drainage or for any other circumstance that may injure the interests of other parties. (L. min., Art. 23).

The exploitation of mine products shall be strictly confined within the respective boundaries, and these boundaries can only be passed when the ground is free, and a previous concession of amplification must be obtained.

In order to enter any other person's claims it is absolutely necessary to have the consent of the owner, except in the case of a legally established servitude. (L. min., Art. 8).

No exploitation of the substances which are subject to concessions shall be permitted in mines or placers, whether by open cut or subterranean workings, unless protected by a duly registered legal title. (R. L. min., Art. 43). See *Expropriation*.

**Exportation.** The stamp and coinage taxes and the assay fees for silver and gold are to be paid, in every case.

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\*No such regulations have as yet been established. March. 1900.

whether the bullion is presented to be coined or whether said metals, or substances which contain the precious metals, are to be exported. (L. met. prec., Art. 5).

Whenever the exportation of copper, antimony, iron, zinc, and other ores that generally contain gold or silver is attempted, and the parties in interest declare that these are not contained in their ores, the Frontier and Maritime Custom Houses shall subject themselves to the provisions of the General Ordinances, but they shall satisfy themselves, by means of assays, that these ores do not contain precious metals. (R. L. met prec., Art. 40).

The silver and gold ores which are exported in their native state or mechanically concentrated shall pay the coinage and stamp taxes upon ninety per cent. of the value of the gold and silver they may contain. (L. met. prec., Art. 12).

If the Secretary of the Treasury should think proper he may extend special concessions to such parties as export minerals habitually and in large quantities.

These concessions may extend to the fixing for the exporters of the payment of a lump sum to cover the expenses caused to the Government by the inspection and assay of said ores, but may not, in any case, consist in an exemption from or a reduction of the coinage and stamp taxes. (L. met. prec., Art. 13).

Whenever bullion or substances destined for export are assayed in a Government office, the party in interest shall receive a document which proves the payment of the taxes and duties, containing all the data necessary for the identification of the substances, the name of the Custom House where the exportation is to be made and the period within which this should be done. (R. L. met. prec., Art. 21).



The Government office which extends the documents to the exporters must give notice, at latest on the next day, to the Custom House of Export and ask for a reply thereto. (R. L. met. prec., Art. 22).

If the exportation is to be made, through some unforeseen circumstances, by another Custom House not designated in the document and within the time allowed therein, the Government office which may have made out the document shall note the change thereon and advise the two Custom Houses, to one that the exportation will not be made through it and the other of the exportation to be effected. (R. L. met. prec., Art. 23).

The Custom Houses will take up from the exporters the documents which attest the payment of duties in the mints and assay offices, and shall give a certified copy of the same to the parties in interest if applied for. (R. L. met. prec., Art. 24).

The exportation should be accomplished within the term fixed therefor in the document which attests the payment of the taxes and customs duties, which term must not exceed thirty days, under penalty that the said document loses its validity and that the Custom House shall proceed to a new liquidation and collection as if the bars or substances had never been presented to any mint or Government assay office. (R. L. met. prec., Art. 27).

The bars of more than 100 thousandths fine which are to be sent to foreign parts shall be punch-marked, with a progressive number, with their weight, the proportions of silver and gold, and the name of the mint or Government assay office.

The bars of less than 100 thousandths fine shall be punch-marked with the national arms and the name of the office

which made out the document attesting the payment of taxes and duties.

For ores and artificial substances, the punch-marks shall be replaced by wires, counter-marks or leaden seals, which shall be put upon the sacks or on the van or freight car when the transportation is made in bulk or in carload lots. (R. L. met. prec., Arts. 28 and 29).

See *Facturas, Fianzas, Ensayes*.

When bars or substances provided with proper invoices are to be exported, the Administrator of the Custom House shall order samples to be taken as per these Regulations (see *Samples, Sample Lots*) and if he should suspect, from the aspect of the substances, that they are not homogenous, more samples or sample pieces may be taken. (R. L. met. prec., Art. 41).

**Expropriation.** The marking out and measurement of the mining concession does not imply any right to the occupation of the surface property. The owner of the mining concession should understand that he must arrange with the owner of the land, whenever he may find it convenient to do so, for the acquirement of such a part of the surface as he may need to occupy for the dependencies of his mining business, or of the totality of the surface marked out for his mining claims in the case of placers or of superficial deposits.

This arrangement may be amicable, through a contract with the owner, or by expropriation, through initiation of the proper legal proceeding. (R. L. min., Art. 40).

The workings required for the exploitation and utilization of mines and placers are considered to be of public utility, wherefor, in case of disagreement, there may be a forcible expropriation of the ground necessary for said purposes. (L. min., Art. 10).

If, for any reason, the owners of a mining concession cannot agree, either upon the area of the land which it may be necessary to occupy for the exploitation of mines and placers, or upon the price thereof, with the owners of the surface ground, the expropriation shall be decreed by the Judge of First Instance, observing the following procedure :

I. Both parties shall appoint their own expert appraisers, who shall present their estimates to the judges within the eight days following, counted from the day on which they were appointed.

If the estimates should be discordant, the judge shall appoint a third expert as umpire, who must present his opinion within an equal period.

The judge, taking into account the opinion of the experts and the proofs which may have been rendered by the parties while the experts were forming their report, shall determine within the following eight days the superficial extension that is to be occupied and the amount of the indemnity.

The decision of the judge shall be carried out without further recourse than that of responsibility (of the judge).

II. If the owner of the ground to be occupied should not appoint his expert within the term of eight days after being notified by the judge, the latter shall appoint judicially an appraiser who will represent the interests of the land owner.

III. If the possessor or owner of the property should be unknown or doubtful, the judge shall determine, as the amount of the indemnity, the sum which may be the result of the examination by the appraiser appointed by the concessionary of the mine and the appraiser appointed by the judge to represent the legitimate owner. Said sum shall be placed on deposit, to be delivered to whomsoever it may belong.

IV. The expert appraisers, for the purpose of making their estimate, shall take into account as the basis thereof the value of the land, the damages that may be immediately caused to the property, and the servitudes to which it may become liable. (L. min., Art. 11).

An analogous proceeding should be followed when a land owner presents an opposition to an application for any mining concession or to the making of the necessary surveys, alleging that there is no mineral deposit in existence, whenever it is really the case that the surface ground has no indications of a deposit nor a prospect hole nor any other prospect work.

In such a case the local judge shall decide whether or not the concession is to be granted, and his decision shall be subject to appeal in "both effects." See *Apelación*.

The final sentence shall be communicated to the Ministry of Fomento. (L. min., Art. 50).

See *Oposición*.

The same procedure shall be followed if, after the claims have been land-marked and measured, the concessionary (mine owner) should need to occupy a part of the ground or the whole thereof for the working of his enterprise. (R. L. min., Art. 40).

**Extraction of Ores.** See *Explotación*.

**Extractos** [SUMMARY]. In case of an application for a mining concession the Mining Agent, after the surveyor has accepted his appointment, must make out in duplicate a summary embracing the following:

I. An abstract of the application, which shall specify clearly and precisely the name and domicile of the applicant and the ordinal number of the docket.

II. The name, domicile and acceptance of the expert surveyor as appointed.

III. The notice that a peremptory term of four months, to be counted from the date of the summary, has been opened for the completion of the procedure in the Agency.

One duplicate of the summary must be affixed upon the Bulletin Board during one month, of which a note shall be made on the docket. The applicant must furnish the necessary revenue stamps for this publication.

The other duplicate of the summary shall be delivered to the applicant, so that it may be published at his expense (and prejudice, if not done) within forty days from the date of the summary, three consecutive times in the Official Periodical of the State, Territory or Federal District to which the application may belong.

The applicant is obliged to deliver to the Mining Agency, to be added to the docket, the corresponding numbers of the newspaper in which the publications may have been made. (R. L. min., Art. 21).

The Mining Agents, when they remit the copies of the docket to the Ministry of Fomento, shall also send a copy of the summary relative thereto, following after the note of the acceptance of the appointment of the expert surveyor. (C. Fom. of February 21st, 1893).

Whenever the interested party may ask for an amplification or reduction in the number of claims (in the concession applied for) before the publication of the summary, it shall be sufficient to note this application upon the original application, on the duplicate thereof and in the Register book; the summary shall then be published with the proper correction. See *Amplification and Reduction*.

**Extranjeros** [FOREIGNERS]. Foreigners enjoy in the Mexican Republic the same civil rights as the citizens there-

of and the guarantees of the Federal Political Constitution, Sec. I, Title I.

Foreigners may therefor apply for prospecting permits and mining concessions and have the same awarded to them, provided they are not located within the twenty-leagues limit.

It is to be noted that any foreigner who may acquire real estate (including mines) in the Mexican Republic, and who does not manifest, at the time of said acquisition, his intention to preserve his nationality, is reputed to be a Mexican citizen. (Federal Political Constitution, Art. 30, Sec. III).

According to the law of February 1st, 1856, still in force, no foreigner can acquire, without previous permission, real estate in the frontier States or Territories, unless at twenty leagues distance from the frontier line.

Whenever a foreigner may present an application for a concession to acquire any mining property located within the above named limit, he must send, at the same time, his application for permission, through the local Governor, to the Ministry of Fomento, so that the said permission may be passed upon, in one or the other sense, whenever the period may arrive for the granting of the title to the mining concession as applied for. (C. Fom. of September 5th, 1892).

As to the registry of foreign corporations that may desire to establish themselves or to found branch houses in this Republic, see *Registry*.

Foreigners, who have applied for mining concessions within the twenty-leagues zone above referred to, must present the authorization of the Government to hold mining property within the zone, within the period of four months, which is fixed according to law, for the completion of the docket relative to the concession.

Foreigners who may acquire mining property are subject in everything that relates thereto, to all the laws in existence or that may be formed hereafter relative to the transfer, use and preservation thereof, as well as to the payment of the respective taxes.

Said foreigners cannot, at any time, plead any rights as foreigners with respect to the above matters. (Law of February 1st, 1856, Art. 5).

Consequently, all questions with respect to mining property owned by foreigners in this Republic must be tried before the Tribunals of this Republic and according to its laws, to the exclusion of any foreign intervention whatever. (Law cited, Art. 6).

Any contract for the rental of mines made with a foreigner for a longer term than ten years is to be reputed as a transfer of the property. (Law of May 28th, 1886, Art. 31).

Foreign corporations in Mexico enjoy the same rights as are conceded to them by the laws of their own country, provided that these rights are not contrary to the laws of the Nation. (Law of May 28th, 1886, Art. 5).

# F

**Factura** [WAY BILL OR INVOICE]. To transport precious metals, minerals and other substances which contain gold and silver through the zones (within twenty kilometers of the coast or within twenty kilometers of a frontier) it is indispensable for them to be accompanied by an invoice made out by a Treasury Agent (*Jefe de Hacienda*) or, if there should be none in their place of origin, by the Administrator or Agent of the Stamp Tax, by the Chief of the Federal Telegraph Office, or by the Post Master.

These employees shall make out such invoices as they may be requested to, even when the metals to be remitted have not been produced in their place of residence, only taking care to state precisely the origin thereof.

If there should be no Federal employee in the place of production, or in any place nearer to the twenty-kilometer limit where it may be desired to take out an invoice, said invoice may be made by the foremost political authority, with observance of the requisites which are prescribed in the Regulations for such documents. (R. L. met. prec., Art. 33).

The said invoices shall be preceded by a bond to guarantee the payment of taxes, duties and penalties, which bond shall remain in force until it is proven that the bars or substances protected by said documents have been exported, returned to the interior of the Republic, or sold within the zone (of twenty kilometers).



In the latter case the buyer must give a new bond to substitute for the first one, which is to be cancelled.

The invoices shall contain all the necessary data for the identification of the bars or substances which they are to protect, and the invoices, as well as the bonds, shall express the value of the precious metals. (R. L. met. prec., Art. 34).

The metals, minerals and other substances not previously assayed should be exported within the term mentioned in the invoice, which must not exceed sixty days.

But if said term should be near expiration when the metals, minerals or other substances are about to enter into the maritime or frontier zone of twenty kilometers (see *Zone*) the interested parties may make verbal application for a revalidation of the invoices.

The revalidation shall be made by the officers before mentioned, at the place chosen by the interested parties, and for a period of not longer than fifteen days, and the pro-rogation shall be endorsed on the documents. (R. L. met. prec., Art. 37).

The invoices, as made out by the properly authenticated employees, protect the metals and other substances in their transit through the zone of twenty kilometers the same as if they had been made out by some mint or Government assay office.

The carriers of said products and the persons or business houses to which they may be consigned are obliged to present said documents to such Treasury officers as may require the same and as often as may be necessary. (R. L. met. prec., Art. 38).

Maritime and frontier Custom Houses which may despatch precious metals protected by the invoices described above, as well as the mints and assay offices which may receive products in the same condition because they have been

interned for coinage in place of being exported, shall be careful to advise the office which gave the invoice, so that the corresponding bond may be cancelled. (R. L. met. prec., Art. 39).

The introduction of precious metals within the zone of twenty kilometers (from the sea or from the frontier) without an invoice or the document proving the payment of taxes, etc., and the illegal circulation of the same within said zones, shall be reputed a dereliction of contraband and shall be punished by the penalties designated therefor in the General Ordinance for Maritime and Frontier Custom Houses. (R. L. met. prec., Art. 50).

**Fees, Assay.** See *Ensayes*.

**Fees, Fee Bills.** See *Honorarios*.

**Ferrocarriles** [RAILROADS]. Prospecting work can only be done at a distance of over thirty meters from the exterior lines of the roads. (R. L. min., Art. 14).

**Fianza** [BOND, GUARANTEE]. A bond is to be given by the owner of any mining claims who may obtain a favorable administrative resolution for an easement in his favor which may be a servitude upon adjoining property. The bond shall be given to the satisfaction of the Ministry of Fomento and shall have for its purpose the indemnifying of the person who may have opposed such a legal right of service, in case that the courts should finally dictate a judgment in favor of said opposer. (L. min., Art. 12. Frac. XX).

See *Servidumbres*.

Any individual who may desire to prospect in private lands, and who has not obtained the permission of the owner thereof, must also give a bond. For the amount of said bond and the manner of giving it, see *Explorations*.

When there is doubt about the identity of bullion or other substances rich in the precious metals, the Administrator of the Custom House of export will take new assays, and may permit export under a bond to pay duties, taxes and penalties, if any. (R. L. met. prec., Art. 30).

The invoices to be given by certain Federal officers for the circulation of gold and silver and gold and silver bearing products within the maritime and frontier customs zones (see *Zones* and *Facturas*) are to be previously covered by a bond to guarantee the payment of taxes, duties and penalties which remains in force until the exportation of the substances in question, or their disposition in some other legal way is proven satisfactorily.

If bullion or other products under bond are sold within the zones referred to, the buyer must give a new bond and the old bond can then be cancelled.

The value of the precious metals must be stated in these bonds. (R. L. met. prec., Art. 34).

The Secretary of the Treasury may, at his discretion, determine the lowest limit of value per ton of ore which is to serve as a basis for the making of a bond, according to circumstances and localities. (R. L. met. prec., Art. 35).

After samples of bullion or gold and silver bearing substances have been taken, the exportation thereof will be permitted, if a bond is previously given to guarantee payment of duties and taxes and of the fines to which the exporter may be liable.

The bond may be substituted by a cash deposit, if the parties in interest so wish and if they are in agreement with the Administrator of the Custom House as to the amount of money necessary to cover the taxes, duties and possible fines.

When the final liquidation is made, any excess in the deposit shall be returned to the exporters without the necessit,

of a special order from the Secretary of the Treasury. (R. L. met. prec., Art. 44).

When the taxes and duties are paid the bond given to cover them shall cancelled. (R. L. met. prec., Art. 47).

**Field Operations.** See *Peritos*.

**Fierro [IRON].** See *Hierro* (Iron).

**Fines.** See *Multas*.

**Fomento, Ministry of.** See note to *Acreedores*. See also *Secretary of Fomento*.

**Foreigners, Rights of.** See *Extranjeros*.

**Foreign Corporations.** See *Registro*, *Extranjeros*, and *Buying a Mexican Mine*.

**Fortifications.** The least distance from these at which prospecting work can be done shall be one kilometer from the exterior lines of the works. (R. L. min., Art. 14).

**Fractions [OF A MINING CLAIM, GORES, OF *Demasias*].** For the fractions which are at least one-half of a mining claim (10,000 square meters) the tax shall be paid as for an entire claim, and nothing shall be paid for the fractions which do not amount to one-half of a claim. (L. min., Art. 1). See *Impuesto*.

**Fundición [REMELTING OF BULLION].** This is obligatory for bullion presented for coinage where the bars are not well melted and homogeneous. If they are not in this condition they shall be ordered remelted at the expense of the interested party if the Government assay office has the proper furnaces. If this is not the case the bars are to be returned

to the owner to be presented in proper shape. (R. L. met. prec., Art. 8).

For remelting in the assay offices and mints the charges are: for each kilogram or fraction, weighed before remelting, ten cents; but it is understood that never less than one dollar is to be charged.

**Fundiciones** [SMELTERS]. See *Haciendas de Beneficio*.

## G

**Gold.** See *Oro, Bullion, etc.*

**Gold Coins.** See *Monedas*.

**Gores** [FRACTIONS OF CLAIMS]. See *Demasias*.

**Government Lands.** See *Terrenos Baldios*.

**Gratings** [BETWEEN MINES]. See *Rejas*.

**Gravámenes** [ENCUMBRANCES]. The mining law of June 4th, 1892, provides in Article 5, transitory, that in the case that any mining property shall be transferred by any title to a third possessor, this party shall be responsible for the encumbrances resulting from habilitation (*avío*) contracts and for all encumbrances resulting from other contracts in existence at the time of said law coming into force.

In case that the property of any mine becomes lost for default of payment of the tax, the mine remains free from all encumbrances, and may be granted, in that condition, to the first applicant. (L. min., Art. 29).

# H

**Habilitation Contract.** See *Arvo*.

**Haciendas de Beneficio** [METALLURGICAL WORKS]. The term *hacienda de beneficio* is applied most usually to mills where gold and silver ores are treated by amalgamation.

The establishment and working of amalgamation mills, as well as that of all classes of metallurgical works, is governed by the provisions of the ordinary laws,\* and as relates to taxes thereon by the Law of June 6th, 1887, Arts. 7 and 8.

Said law provides that amalgamating mills and metallurgical works, when in operation, shall pay to the State where located or to the General Government, if in the Federal District or in the Territories, as the only tax, which cannot be increased, up to six dollars per thousand upon the value of the buildings with their machinery, and that every other tax, except the Stamp Tax, is strictly prohibited.

The products of metallurgical smelters, in the form of argentiferous lead, are exempt from exportation duties up to a content of 7 thousandths of silver, whenever it shall have been so specified in special contracts.

The excess of silver over the above content shall be subject to the payment of duties. (C. Hac. of February 25th, 1892).

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\*That is to say, by the same laws as apply to the establishment of any other kind of industrial or manufacturing business.

Metallurgical establishments, working under prior contracts with the Government, in force on March 27th, 1897, are excepted from the payment of the Coinage Tax upon the silver they may export directly, as long as the silver content of the argentiferous lead does not exceed 7 thousandths and the silver content of the argentiferous copper is not over 20 thousandths.

If these limits are exceeded, the said establishments must pay the Coinage Tax upon the excess.

This exemption only applies to the products originating in the establishments that have a franchise, but not to the products which these may acquire from other establishments. (L. met, prec., Art. 9).

Metallurgical companies may obtain a special concession from the Secretary of the Treasury to effect, in their own establishments, the presentation of the products intended for export, so that the local Federal officers may thereupon perform the assays and form the account of the taxes and duties to be paid.

The establishments exempted, under contract, from the payment of Coinage Tax upon argentiferous lead and copper of a less amount than 7 and 20 thousandths of silver, respectively, must, when they employ the products of other metallurgical establishments, pay the two per cent. Coinage Tax upon the total value of the silver contained therein before such products are employed for subsequent operations.

The origin of their products must be proven by metallurgical establishments at the Custom House or in the Government assay offices, in the manner laid down by law. (R. L. met. prec., Art. 2).

Concessionaries under the law for the exploration and working of gold mines and placers, published June 6th, 1894, should have installed, within the minimum term of two years

from the date of their contract, a metallurgical establishment with sufficient capacity to treat 400 tons of ore weekly, or, in place of said establishment, some other works equivalent in value to said establishment, at the discretion of the Secretary of Fomento.

**Hierro, Fierro** [IRON]. Excepting bog iron ore, drift iron ore, and ochres which are used for coloring material, no iron can be mined without the proper concession and no workings shall be permitted in mines or placers of iron unless protected by a duly registered legal title. (L. min., Art. 3, and R. L. min., Art. 43).

The value of the revenue stamps to be placed upon the titles of property in iron mines or deposits, according to Art. 5 of the Law of October 31st, 1892, is one dollar for each mining claim (10,000 square meters) and the annual amount of the tax upon such deposits and mines shall be one dollar and fifty cents, Mexican silver, for each mining claim of 10,000 square meters.

However, this law was derogated by the Law of June 3rd, 1898, which provides that on and after July 15th, 1899, the iron mines are to pay stamps on the title deeds thereto and the annual tax at the rate of two dollars and fifty cents per claim of 10,000 square meters (*pertenencia*). See *Impuestos*.

**Hipoteca** [MORTGAGE]. Mortgages can be freely constituted upon mines, according to the provisions of the Civil Code of the Federal District of Mexico, but the indivisibility of each mining claim (*pertenencia*) of 10,000 square meters must be taken into account and the mortgage must be registered as provided in the Code of Commerce, for which purpose a special book shall be opened for mining operations. (L. min., Art. 25). See *Registro* and *Acreedores*.



A mortgage may be divided up into mortgage bonds, either to special persons or to bearer, and this can be done either in the mortgage deed itself or in a later document.

In either case, the document shall contain such stipulations which may be approved by the representatives in common of the bondholders.

The holders of mortgage bonds can only exercise their rights against the debtor or hypothecated property, through a common representative, whose acts, in reference to said rights shall be obligatory on all the bondholders. (L. min., Art. 26).

The mortgage becomes lost by failure to pay the taxes on the property (L. min., Art. 26). But the creditors of the mine in question shall have the right to pay said tax. See *Acreeedores*.

**Honorarios [FEES].** The Mining Agents of the Ministry of Fomento are authorized to charge fees according to the regular Fee Bill. (L. min., Art. 16).

This Fee Bill is as follows:

I. For endorsing proprietors' prospecting permits or notices and registry of the same, one dollar (pesó).

II. For the procedure and issuing of the prospecting permit issued by the Mining Agent when the proprietor refuses consent, two dollars.

III. For the registry of each application for a mining concession or amplification and rectification of mining claims and for the registry of the same, one dollar.

IV. For the notices, summons and summary of docket, at the rate of twenty cents for every ten lines or fraction thereof, and, besides, ten cents for the examination of each

one of the leaves which are contained in the docketts and other documents to be included in the summary.

V. For the writing, comparison and counter-signing of the certified copies, and for other copies, at the rate of one dollar for each 100 lines or fraction thereof.

VI. For the search for docketts or for any other documents in the archives, one dollar.

When the parties in interest do not furnish sufficient data and the search must be made among documents corresponding to more than one year, one dollar for each year of the search.

VII. For each kilometer of going and for each kilometer of return when travelled for the performance of any official duty, twenty-five cents.

VIII. For ocular examinations or exterior inspections, and making a report thereof, five dollars.

IX. For inspections, official visits or examinations, in workings underneath the surface, five dollars for every 100 meters of depth, or fraction thereof, to which said workings extend, and five dollars for the report thereon.

X. For presence at meetings which do not exceed one hour of duration, three dollars; and for every hour or part of an hour over that time, one dollar. (R. L. min., Arancel).

By a Circular of Fomento of September 1st, 1892, the Mining Agents are authorized to charge one dollar for the comparison and counter-signing of the plans presented by the expert surveyor and the same for the comparison and counter-signing of the copies of plans which may be copied from the archives of the Mining Agency by the parties in interest.

The Mining Agents only have a right to charge the above named fees, and should consult with the Ministry of Fomento as to what should be the amount of their fees corresponding

to cases not provided for by the Ministry. (R. L. min., Art. 8).

The default in the payment of fees, if attributable to applicants or opposers, implies for the first that they have desisted from their application for a concession, and for the second that they are to be considered as having desisted from their opposition and as consenting to all the claims which have been brought forward by the applicant. (R. L. min., Art. 36).

The Principal Administrators of the Revenue Stamp Tax shall receive, as their only fee, two per cent. of the gross product of the sale of revenue stamps for the Annual Mining Tax. (R. L. imp., Art. 18).

TOTAL COST OF A MINING CONCESSION.

The writer has been frequently asked what is the cost of obtaining title to a mine in Mexico.

Taking the average size of a concession to be about five claims, or 50,000 square meters, supposed to be situated near a railroad station or prominent town, and that there is no opposition to the claim and that the procedure takes its normal course without unusual incident of any kind, the total cost of the concession will be approximately as follows:

CONCESSION ESTIMATE.

	Mex. Silver	Dols.
Fees to Mining Agent for his work and acknowledgements, altogether, . . .	\$15.00	to \$20.00
Publication of advertisements, . . . . .	2.00	to 5.00
Expert surveyor's fees (see note below) net, . . . . .	25.00	to 200.00
Expenses of trip to mine (not over 10 kilometers), labor on survey, etc., . . . . .	15.00	to 25.00
Stamp tax on five <i>pertenencias</i> , . . . . .	50.00	50.00
Deed Stamps, . . . . .	2.00	2.00
	<hr/>	
	\$109.00	to \$302.00

In round numbers, from \$110 to \$300.

The procuring of a concession for any number of claims less than five will cost nearly the same as for five claims, and the increased cost for a larger number of claims may be reckoned at as from \$15 to \$25 per claim for all claims over five claims in any one concession. Where there are a great many claims the expenses will be lessened, but will seldom be below \$15 per claim.

The expert fees above noted are *net* — that is, the applicant for a concession is expected to pay all traveling expenses of the surveyor, his board and lodging while on the field, transportation of instruments and for assistance in making the survey.

If a regular graduate engineer is taken from the Capital or from any large city, his fee will rarely be less than \$200.

Frequently, however, such engineers live in the district to be surveyed and will do the work quite as well as an expert from a distance, for a great deal less money — say for \$100 or thereabouts.

When only “practical” surveyors are employed, their fee should rarely be over \$25 to \$50, and they are frequently dear at any price, as their surveys, being imperfectly made, cause delay in the final granting of a title and general dissatisfaction all around. See *Peritos*.

If there is any opposition to the concession, both parties may present their proofs, which will cost for stamps fifty cents a leaf, when added to the docket.

When the *junta de avenencia* or conciliatory hearing is effected before the Mining Agent this extraordinary expense stops if the opposition is withdrawn or the matter satisfactorily arranged.

If the question can not be settled at the conciliatory hearing the whole matter is referred to the proper court and the expenses will be considerable and variable.

To the above expense for obtaining possession of a mine must be sometimes added the value of the land upon which the concession is to be situated if the land is private property.

No general rule can be given for estimating the cost of the land; it would probably be from \$3 to \$5 per *pertenencia* of 10,000 square meters, unless some local circumstance, such as vicinity to an important mining center, should make the land more valuable.

The average present value of land, situated, as most mines are, in mountainous regions, unfit for cultivation and difficult of access, is certainly not over \$5 per *pertenencia*.

Many land owners, if properly approached, will donate their land freely, in view of prospective benefits to be derived from the opening up of mining enterprises.

The writer will be pleased to arrange for the making of all necessary surveys, and also will undertake to settle matters with respect to the use of the ground, rights of way, and other difficult problems that sometimes present themselves in dealing with land owners. The satisfaction of having such matters securely, equitably and, above all, speedily arranged, is generally thought to be much more valuable than the moderate fees we charge for such services.

**How to Obtain a Mining Concession.** The mining concession which you obtain may be on virgin ground or on an old mine.

*Virgin Ground.*—In order to start in and make a thorough exploration of new ground or of old ground in the vicinity of any mining camp you will need a prospector's permit. The ground may be covered by an anterior prospecting permit. This you can find out from the Mining Agent, and it may save trouble for you to inquire from him the name of the owner of the land. The cost of the prospecting permit you

will see under *Honorarios*. See under *Explorations* for all the details of this permit.

You may discover your mine by accident or be informed of its existence by some other party, a prospector or an Indian.

These gentry generally come well supplied with specimens, supposed to have been picked up on the property in question.

No matter how handsome these specimens may be or how plausible a tale is told you, do not advance one cent, not even in the form of travelling or living expenses, until you have personally visited the ground or had it inspected by a competent person of your confidence.

Make up your mind as to how many *pertenencias* you may need in your concession. The law allows you as many as you may desire, but it is useless to apply for too many. From ten to twenty claims (*pertenencias*) will cover almost any mineral deposit, and give full scope for mining.

One claim, if a good one, would be enough to make a man rich.

The location of the concession should be carefully chosen, so as to get the best facilities for working which the ground may afford. Dump room and nearness to water and wood, facilities of access are among the points to be considered.

When you are satisfied that the ground is worth taking up, and know how much you want, find out where the Mining Agent lives who has the property you desire to take up within his jurisdiction.

Find out just exactly in what municipality, district or other political division your property is located; read up under *Solicitudes*, in this book, for all the requisites which your application must embrace.

Note all these requisites down and the data to cover

them. Have some competent person draw up your application, in Spanish, of course, containing all the points expressed concisely but clearly, and present the application, in duplicate, to the proper Mining Agent. If not able to speak Spanish or to understand it thoroughly, get a good, reliable interpreter.

The Mining Agent is not always immaculate; he may be looking out for himself, and is sometimes in alliance with a clique that would be glad to get your property away from you or hold you up.

Bear in mind, however, that the Mining Agent *must* receive your application. He has the right to question you about the matter and may try to frighten you by making a great show of taking your answers down on paper.

Don't be alarmed; this is not a serious matter, and you may safely decline to answer if you wish.

See that the Mining Agent enters your application, the day and hour, on his Registry book, in your presence.

If two or more applications for the same ground come in at the same identical moment, lots are to be drawn to see which shall be entered first.

When the entry of your application is made the Mining Agent must return you the duplicate, with the date and hour of presentation noted thereon and authenticated by his signature and official seal.

Have an arrangement made beforehand with some competent mining engineer or expert to survey your concession and give his name to the Agent within three days after your application.

The Mining Agent is not absolutely obliged to appoint your expert; the Agent may, for private reasons of his own, be interested in having some one else do the work, so be careful to name an individual to whom no exception shall be

taken, if you particularly wish your own man to do the work.

Whoever is appointed by the Agent must accept his appointment within eight days and receive his commission from the Mining Agent.

The surveyor or expert (see *Peritos* for more particulars) has sixty days in which to present his plans and his report. See *Planos*, *Informes* and *Mojoneas*.

Be after him and see that he does his duty, because his term of sixty days is peremptory, and if the report and plan is not presented your application is null.

Meanwhile, the Mining Agent will have made out a summary of your application, noting therein the appointment of the surveyor, etc. (see *Extractos*), and will have posted the same on the Bulletin Board of the Agency. If not posted find out why. See *Ampliacion* and *Reduction of the Number of Claims*.

Also, a copy of the same summary should be handed to you and you must cause it to be published three times within forty days after the date of the summary in the Official Periodical of the State, etc., in which your concession is located. If this is not done your application is null.

Get the numbers of the paper in which the publication was made and hand them to the Mining Agent to be added to the docket in your case.

The advertisement is intended as a notice to all opponents to your concession and may cause oppositions to be filed. See *Opposition*.

The Mining Agent cannot suspend the procedure for any motive whatever except for opposition. See *Suspension*.

Opposition can only be made during the term of four months from the date of the summary and before the Mining Agent.



In cases of opposition you should provide yourself with an intelligent and honest lawyer and *follow his advice*.

If there is no opposition, or if the opposition is one of the kind that does not occasion suspension of the proceedings, or if the opposition case has finally been decided in court in your favor, the Mining Agent, within fifteen days thereafter, must send the docket, comprising all the papers in your case, to the Ministry of Fomento in Mexico City for review.

The report and plans are carefully studied by the Mining Engineers belonging to the Ministry of Fomento, and if any error or omission is found, the plans will be returned to the Mining Agent for correction, and the survey may have to be made over again.

To avoid delays and losses of this kind it is always best to get a thoroughly competent expert surveyor, even if you have to pay him a little more. See *Honorarios*.

If the case is of any importance or if you are in a hurry you should have an agent in this city who will stir up the proper officials from time to time and see that your case is promptly reviewed and despatched and who can straighten out any difficulties that may occur.

Or you can come here yourself, which will probably cost you considerably more than to fee a competent agent, as these cases sometimes delay two or three months or more, the Ministry being overcrowded and overworked.

The present writer can take charge of these matters and see them properly adjusted for a moderate fee, varying in amount according to the nature and difficulties of the case.

When the docket has been examined and approved and the title deed ordered to be made out you will be requested, through your Mining Agent or through your representative in this city if you have one, to furnish the stamps necessary for the title deed.

You are not expected or allowed to anticipate this request by delivering the stamps in advance.

When the proper stamps have been furnished and affixed, the title deed to your concession will be sent to you through your Mining Agent, who will hand it to you without further expense, or it can be delivered to your representative in this city, if any.

You are then in possession of your mining concession, but only as far as the mining rights are concerned. If your property is located upon public lands, you come into the surface rights at once for the whole extent of your claim, but if the location is on private property the land owner must be arranged with, either privately or legally (see *Expropriation*), for the right to use the surface, rights of way, and other easements necessary for the operation of the mine.

*Old Mines.*—There are a great many old and apparently abandoned mines in Mexico which, nevertheless, have claimants.

If you desire to acquire a mining concession on such a property and a claimant appears, ask him to produce his title deeds.

If he cannot produce a title deed from the Ministry of Fomento, dated after the Law of June 6th, 1892 came into effect, his claim is invalid.

Also, he may have a perfectly regular deed, but the ownership of the mine may have been forfeited for non-payment of taxes. Ask the claimant to produce his receipt for the mining tax up to date.

It is sometimes prudent, however, to pay a small or moderate amount for a claim of this kind rather than to risk the ill will of the individual, especially if he happens to be the owner of the lands where the mine is situated.

See *Buying a Mexican Mine*.

Then make application at once for a mining concession, in due form.

The procedure for acquiring a mining concession upon an old mine is practically the same as for acquiring a concession on virgin ground.

In all of your dealings with Mexican officials and Mexicans generally, be careful to be uniformly courteous, polite and liberal.

Fairdealing is as highly esteemed in Mexico as elsewhere, but the Mexicans are among the most courteous and polite of the Latin races, and appreciate courtesy and politeness in return. Mexicans are also genuinely amiable and kind-hearted, especially the more educated classes, and will generally do anything in reason to assist a person in trouble.

# I

**Impediments.** A Mining Agent shall be deemed necessarily impeded from acting officially in the following cases:

I. In matters where he has an interest, direct or indirect.

II. In cases in which are interested any of his blood relatives in direct line, without limitation of degrees, his collateral relatives within the fourth degree or his relatives by marriage up to the second degree, inclusive, in every case.

III. When the Mining Agent or his relatives as set forth have a lawsuit pending, of a like nature to the one in question.

IV. Whenever there exist between the Mining Agent and any of the parties in interest intimate relations proceeding from some civil or religious function, sanctioned and respected by custom.

V. Whenever the Mining Agent may be an actual partner, tenant or employee of some one of the parties in interest.

VI. Whenever the Mining Agent has been tutor or guardian of one of the interested parties, or is actually administrator of the property of such person.

VII. When the Mining Agent is heir, legatee or beneficiary of one of the parties in interest.

VIII. When the Mining Agent or his wife or his children

may be debtors or bondsmen of any of the interested parties.

IX. When the Mining Agent may have been lawyer, attorney, expert or witness in the matter in question.

X. If he should be related by blood or marriage to the lawyer or attorney of any one of the interested parties in the degrees expressed in Sect. II. (R. L. Min., Art. 5, and Code of Commerce, Art. 1132, Sects. I. to IX. and XI.)

In the case of death or serious illness which may prevent the proprietary Mining Agent from summoning his substitute, the latter may enter into the exercise of his functions, and must give immediate notice to the Minister of Fomento by post and by telegraph, if there should be one (R. L. Min., Art. 5).

**Importation.** Gold and silver, whether coined money, bullion or dust, are exempt from all import duties (Custom House Tariff, Sects. 254, 263 and 265).

The same exemption applies to crude ores of silver, gold, platinum, iron, lead, zinc, copper and tin (C. H. Tariff, Sects. 253, 269, 293 and 304).

Concessionaries, under the act of June 6th, 1894, for the encouragement of the exploration and working of gold mines and placers, may import free of duty machinery, tools, utensils and necessary apparatus for exploration and working and building materials for the mines and metallurgical works, by previous agreement with the Secretary of the Treasury and according to regulations to be made by him.

By the act of selling, without government permission, the whole or a part of whatever may have been imported free according to said act, the concessionaries shall lose the goods sold and the franchises conceded in their contract, unless the sale has been made in a case of bankruptcy or liquidation.

See *Explorations*.

**Impuesto [TAXES, MINING TAXES].**

The tax upon mining properties is a Federal tax, and is composed of two portions—one portion to be paid but once in revenue stamps, which are to be affixed to every title deed to mining property; and the other to be paid annually (L. Min., Art. 28, and L. Imp., Art. 1).

See *Estampillas* and *Exención*.

*The Tax upon Mining Title Deeds.*

The revenue stamps for the title deeds to mines of gold, silver and platinum shall be of the value of ten dollars, and shall be placed upon the said title deeds at the rate of one revenue stamp for each claim (*pertenencia*) of ten thousand square meters, or fraction of a claim which is equal to, or more than, the half thereof (L. Imp., Arts. 1 and 3, and L. de 3d of June, 1898, Art. 1).

When the fraction shall be less than half a claim (whether this fraction is the whole property or whether it constitutes an excess over several claims), a revenue stamp for five dollars should be placed upon the first leaf and another revenue stamp of fifty cents upon the second leaf of the title deed.

The title deeds to mines which are not of gold, silver or platinum, and which require a legalized concession for their working, need only carry revenue stamps to the value of two dollars and fifty cents for each claim.

But these same mines shall cause the same stamp tax (and other taxes) as those of gold, silver and platinum when the minerals found in said mine contain gold, silver or platinum in any proportion (Law of June 5, 1898, Arts. 1 and 2).

According to the law of October 31st, 1892, the value of the revenue stamps which should be affixed to the title deeds

of mines or deposits of iron and mercury should be one dollar per claim (*pertenencia*); but the article referred to was repealed by the decree of June 3d, 1898, according to which the revenue stamps on the title deeds to such mines are to be of the value above stated.

See *Hierro* and *Mercurio*

The revenue stamps to be placed upon the title deeds to mining property shall be cancelled by the Ministry of Fomento, which Ministry will call upon the interested parties for the revenue stamps, either directly or through the local Agency, as soon as the docket has been approved and the title deeds authorized to be made out (L. Imp., Art. 3, and C. Fom., Sept. 1st, 1897).

By the Mining Tax law of June 6th, 1892, every mine owner or possessor, at that time and by any title, was obliged to present his documents in the local Sub-Treasury office within a fixed time, to have the proper revenue stamps affixed to his title, and also that a note might be made in the Register of the number of *pertenencias* in the property for the payment of the annual contribution. The time for the above finally expired October 31st, 1892.

#### *Annual Mining Taxes.*

Every owner or possessor of mines not of gold, silver or platinum, and for whose working a legal concession is required, is obliged to pay annually the sum of two dollars and fifty cents for each *pertenencia* (L. of June 3d, 1898. Arts. 1 and 4).

For mines of gold, silver or platinum, the owners shall pay ten dollars per year for each *pertenencia* (claim of 10,000 square meters). (L. Imp., Art. 4.)

The mines at first referred to shall pay an annual tax

equal to that of the mines of gold, silver and platinum when the ores encountered therein contain gold, silver or platinum in any proportion (L. of June 3d, 1898, Art. 2).

Iron mines or deposits, in whose favor an exception was established with respect to the annual impost by the law of October 31st, 1892, have now become subject to the general law, according to Article 4 of the law or decree of June 3d, 1898.

Fractional parts of a *pertenencia*, less than one-half of a claim (less than 5,000 square meters) are exempt from the annual tax (C. Fom. of February 16th, 1898).

Fractional parts of a *pertenencia* equal to or more than one-half a *pertenencia* (equal to or more than 5,000 square meters) pay the same annual tax as an entire *pertenencia* (L. Imp., Art. 1).

The annual tax is collected by thirds of a year, in advance, through the offices of the Revenue Stamp Tax, to which the taxpayers must peremptorily present themselves without the necessity of a notice or of any other requisite on which might be founded a delay or excuse (L. Imp., Art. 5, and R. L. Imp., Art. 17).

The offices just referred to are the principal or subordinate Administrations of the Stamp Tax, but the Secretary of the Treasury may assign other offices to receive the tax in such cases as he may consider it just or convenient to do so, by giving notice to the General Administration of the Stamp Tax, so that that office may communicate the fact to the Principal Administration of the Stamp Tax, within whose jurisdiction the mine may be comprehended (R. L. Imp., Art. 30).

Permission is frequently obtained to pay mining taxes in



Mexico City when it is not convenient to do so in the district in which the mine is located.

Every third-of-a-year's tax must be paid before the 31st of July, 30th of November and 31st of March of each year.

For said purpose the proper Administration, Principal or Subordinate, of the Stamp Tax shall deliver to each interested party a schedule (*boleto*), which contains:

I. The name, "*Impuesto Minero*" (Mining Tax), at its head.

II. The name of the State and Municipality to which belongs the Office that distributes the schedule.

III. The name of the mine, number of *pertenencias* on which the tax is to be paid, Municipality in which the mine is located, name of the owner, company or enterprise which is in possession thereof, and the ordinal number of the register of the title deed.

IV. The amount of tax to be paid each third of a year.

V. Three blank columns destined to receive the revenue stamps corresponding to the thirds of a year, duly stamped.

The interested parties must be careful to fix the schedule referred to in a visible portion of the office of the concern (R. L. Imp., Art. 23).

Duplicate schedules may be given out for the mining tax in case of loss of those which were given to the taxpayer at the time of the first payment (Circ. Adm. Gen. Renta Timbre. November 30th, 1897).

Any mine owner may pay his annual tax in advance, if it suits his convenience so to do (C. Hac., November 10th, 1892, Sec. 7).

See *Tax upon Mining Titles* above; also, see *Exemptions* and *Multa* (fine).

All kinds of metallurgical works, including amalgamation mills and smelters, are taxed as under *Haciendas de Beneficio*.

*Taxes on the Precious Metals.*

Bullion, whether of gold and silver in mixed bars or bars of either one of these metals alone, sulphides of silver, argenteriferous copper and lead, ores in their natural state, concentrates, ores that have been partially treated, or, in general, any substance that contains silver and gold, shall pay:

I. An internal revenue stamp tax of three per cent. of the gross value (L. Met. Prec., Art. 1, Sec. I., and Art. 4.

II. A coinage tax at the rate of two per cent. upon the value of the gold and silver.

For COINAGE TAX see *Amonedación*; also, under *Ensaye*, *Fundición*, *Afinación* and *Apartado* for other taxes.

III. Assay Fees, as per the Fee Bill established by the Secretary of the Treasury (see *Ensaye*).

IV. Fees for melting, refining and parting, in certain cases. See *Fundición*, *Afinación* and *Apartado*.

For the basis for estimating the value of the gold and silver, see *Amonedación*.

The revenue stamp tax, the coinage tax and the assay fees must be paid whether the bullion is to be coined or to be exported without coinage.

There is also another *introduction stamp tax* of six-tenths of one per cent. (six dollars per thousand), which is to be paid upon all gold and silver bullion, or manufactured gold and silver, introduced into the Mints of the Republic for coinage or assay, or which is to be sent out of the country. The revenue stamps necessary for this must be placed upon the assay certificate.

The internal revenue tax of three per cent. upon the gold and silver, also the coinage tax and assay fees, are liquidated and are payable at the Mints, or at the Federal Assay Offices as a general thing. Special concessions may be obtained to

liquidate and pay these taxes on the premises where produced (R. L. Met. Prec., Art. 1).

Bullion or other gold or silver bearing substances may be sent direct to the Custom House of export, where the taxes will be assessed and collected, when the substances come provided with the proper documents (R. L. Met. Prec., Arts. 32 and 33). See *Facturas* and *Exportation*.

The internal revenue stamp coinage tax, assay fees, etc., are paid by means of special revenue stamps, which are affixed to the liquidation bills and exportation documents which are issued by the Mints and Government Assay Offices.

**Increase of Number of Claims.** See *Ampliación*.

**Indivisibility.** The law has established the indivisibility of a *pertenencia*, or mining claim of 10,000 square meters, providing that this indivisibility shall be maintained in all contracts as to mining concessions which affect the ownership thereof (L. Min., Art. 14).

**Informes [REPORTS].** The Mining Agents must remit to the Ministry of Fomento, within the first ten days of each month, a detailed report of the applications for mining concessions which may have been received during the preceding month (R. L. Min., Art. 9).

For this purpose they shall fill out the forms or blanks which the Ministry will distribute, and shall set down upon the same the proper data with exactness (C. Fom., August 1st, 1892).

In said report the Mining Agents shall mention all applications that have been presented for increase or decrease of the number of *pertenencias*, or for the rectification (repetition of the measurement) of the same (C. Fom., September 3d, 1892).

Besides the above report, the Mining Agents must render to the Ministry of Fomento another report as to each application for a reduction of a number of *pertenencias* (claims), or for the remeasurement of claims, which he may have received, and of the procedure followed until the matter was concluded (C. Fom., January 1st, 1893).

In the case when a right of way or right of construction of a mining tunnel is involved, said Mining Agents must remit to the Ministry of Fomento a report which shall contain their well-founded opinion of the case (R. L. Min., Art. 45).

The Mining Agents must report, on the proper forms to be sent by the Ministry of Fomento, the price and the consumption of supplies destined for the mining industry. Said reports shall be remitted monthly to the Ministry referred to, and the data they contain must be exact and according to the metric decimal system (C. Fom., August 9th, 1892).

Mining Engineers or Surveyors appointed to measure any concession must present their report thereof within the peremptory term of sixty days from their appointment, which report must be accompanied by a map, and must contain, besides the measurements of the concession, all the remarks and observations made to them by the applicant, or by the opponents to the granting of the concession.

The presentation of the above report within the peremptory term of sixty days is under the personal responsibility of the expert, who shall be liable for all the losses and damages occasioned by the default of presentation of said document (R. L. Min., Arts. 19, 21 and 25).

See *Peritos*.

The reports made by the surveyor or mining expert, to accompany the plans of a concession presented to any Mining Agency, do not require any revenue stamps (C. Fom., October 19th, 1892).

**Infractions.** Any infractions of the regulations provided for mining matters shall be punished by the administrative penalties prescribed by the Executive of the Union in accordance with Article 21 of the Federal Constitution (L. Min., Art. 31).

**Ingenieros** [MINING ENGINEERS]. The concessionaries who have entered into a contract with the Executive of the Union to undertake works for the exploration and exploitation in gold mines or gold placers, according to the law of June 6th, 1894, shall admit an engineer as inspector of the works referred to, who shall be appointed and paid by the Federal Government (L., June 6th, 1894, Condition 13).

The surveyors appointed to measure mining concessions should be graduated engineers. If none are to be had in that locality, then a "practical" surveyor may be appointed.

The Mining Agent may appoint the engineer named by the applicant, if the said engineer has all the necessary qualifications (R. L. Min., Art 19). See *Peritos*.

**Inhabited Places** (see *Poblaciones*).

**Inspectors of Mines.** The Ministry of Fomento may appoint as many mining engineers for inspectors of mines as are believed to be necessary to visit mining workings, study the same, examine mines, and in general fulfill such commissions as may be consigned to them by the Ministry (L. Min., Art. 30).

**Interventors.** The owners of mining claims which may be traversed by a drainage tunnel may, while the tunnel is being opened through their respective claims, appoint an

interventor of their confidence, whose functions shall be limited to watching the work and to notifying the Mining Agent or the local judge, as the case may be, of any wrongdoing that he may observe (L. Min., Art. 12, Sec. VIII).

**Invoices of Precious Metals.** See *Factura*



## J

**Jefaturas de Hacienda** [SUB-TREASURY OFFICES]. Before these offices, in the several States, every mine owner must present his title deeds to mining property, and a duplicate schedule for the payment of the mining tax. See *Manifiestaciones* (R. L. Imp., Art. 3, et passim).

**Judgements.** See *Sentencias*.

**Judges.** Wherever there are no public offices having in charge the Public Registry of property, or Registry of Mortgages, the Judges of First Instance of ordinary jurisdiction (State or Territorial judges) shall keep a special register of mining operations (R. L. Min., Art. 5, and Code of Commerce, Art. 18).

The local common judge (State or Territorial) shall take cognizance of common crimes which may be committed in the mines, and the local District Judge (Federal) shall take cognizance of the official crimes and misdemeanors for which the Mining Agents may be responsible (L. Min., Art. 31).

See *Penas* and *Juicios*, for civil suits.

**Juicios** [LAW SUITS].

The law suits about mining matters shall be carried on in the Federal District, or in the Federal Territories, or in each State, by the judges and tribunals which may there be com-

petent, according to the provisions of the Code of Commerce, observing the rules laid down in Book IV., Title I., Chapter 1X., of the said Code, with the condition that the preferential working expense, indicated in Article 1030 of said Code, Sec. II., is the payment of the mining tax (L. Min., Art. 27).

### **Juntas** [CONCILIATORY MEETINGS].

These are called by the Mining Agents in cases of opposition to any application for a mining concession, and in other cases of opposition.

The *Juntas* must be called within fifteen days after receiving the report and plan of the surveyor appointed to measure the concession.

The notice of the junta is to be published three times on the Bulletin Board of the Mining Agency.

The object of the meeting, or junta, is for the Mining Agent to do his best to reconcile the discordant parties and to avoid judicial questions.

All of these particulars shall be set down in the minutes of the meeting.

If the Mining Agent does not succeed in causing an agreement between the parties in interest, all proceedings shall be suspended, and the docket concerning the application shall be delivered to the applicant, who shall take it to the proper court of First Instance (R. L. Min., Arts. 29 and 30).

Any failure to appear in the conciliatory meetings (*juntas*) which is attributable to the applicants or to the opposers, shall imply, for the first named parties, that they are to be held to have desisted from their application for a concession, and, for the second named parties, that they are to be held as having desisted from their opposition, and as being in conformity with the claims which are presented by the applicants (R. L. Min., Art. 36).



# L

## Land Marks [See MOJONERAS].

**Laws of Mining.** The pursuit of mining in Mexico under the Spanish dominion was governed by disconnected decrees and ordinances until the year 1584, when were formed what are called the *Ordenanzas del Nuevo Cuaderno*, under the Government of Phillip II.

These laws governed until January 15th, 1784, when the famous "Ordinances of Mining," which had been enacted by the King of Spain in May of 1783, came into force in New Spain.

After the accomplishment of the independence of Mexico, the Spanish Ordinances remained in force, with very few changes.

In 1857 a new Constitution was adopted in Mexico, which did not delegate the power of mining legislation to the General Government, and hence left the several States free to enact their own laws.

However, nearly all of the States continued to use the Spanish mining legislation. Only two States, Durango and Hidalgo, adopted mining codes of their own.

The changes of governmental methods, and of mining and metallurgical systems, made the old legislation so difficult in its applications to the modern form of mining industry

that it was resolved to adopt another organization, which should be general in its character and uniform for the whole Republic.

In 1883 a Constitutional amendment was adopted conferring upon the General Government of Mexico the power to legislate upon mining matters, and in November, 1884, a new Mining Code, with accessory legislation, was adopted, and put in force from January 1st, 1885. By this new Code the Spanish Ordinances of 1783, the succeeding colonial legislation and subsequent Federal and State laws upon mining, were utterly abolished, even in those parts not contrary to the provisions of the new Code (Code, Art. 218).

On June 4th, 1892, a new Mining law was enacted, to go into force on July 1st of the same year, and subsidiary fiscal legislation was also adopted.

The law of 1892 is still in force, without essential modification, and is the subject of the present Dictionary, in which are included all the subsidiary and auxiliary laws, regulations and explanatory circulars. See *Preface to this Work*.

The Code of 1885 was totally repealed by the new Mining Law of 1892.

**Law Suits** [see JUICIOS].

**Lead** [see PLOMO].

**Liabilities of Mining Property** [see CADUCIDAD].

**Libros** [BOOKS, OF ACCOUNT, OR OFFICIAL].

*Account Books.* Mining companies come under the provisions of the Code of Commerce (L. Min., Art. 24).

According to the above, mining companies that are formed or operate in this Republic would be obliged to keep their accounts in at least three books, which are the book of

inventories and balances, a day book or journal and a ledger containing current accounts.

Companies formed in this Republic must also have a minute book or books, in which must be set down all the resolutions referring to the general business and particular operations of the company which may be passed by the general meetings and by the boards of directors of said companies (Code of Commerce, Art. 33).

Individuals and private partnerships and foreign mining companies which have their domicile outside of the Republic come under the provisions of a special circular of the General Administration of the Stamp Tax, which prescribes that mining concerns are only compelled, legally, to keep one account book, and also a book of sales and a stub bill book, the latter two books when their operations require it—*i.e.*, when they make sales of ore or bullion.

The books required to be kept by law must be bound, lined, have numbered pages and the necessary revenue stamps according to law (C. of Com., Art. 34).

The necessary revenue stamps are of the value of five cents for each leaf of the account book, and must be put on by the Revenue Stamp Tax Office, to which the books must be presented to be stamped and sealed before being used (Revenue Stamp Tax Law, Art. 79).

Mining companies formed in the Republic of Mexico would be compelled to keep at their home offices all the account books above referred to, and the person in charge of actual operations at the mines or works would probably have to keep one single stamped book for the accounts relating to the actual workings, provided said mines or works were not located at the home office of the company.

*Official Books.* The Mining Agencies are declared Federal

Offices, and hence the books to be kept therein do not need any authorization except that of the Ministry of Fomento (C. Fom., August 10th, 1892).

Every Agency should have a special register book, with pages numbered and authorized (signed and sealed) by the Ministry of Fomento. In said book all applications shall be registered in the exact order of their dates, without leaving any blank spaces (R. L. Min., Art. 17).

Also, the offices in charge of the Public Registry of property, or in default of such the mortgage registry offices, and in default of both, the Judges of First Instance of the State, must keep a special book of mining transactions for the registry thereof (R. L. Min., Art. 51, and Code of Commerce, Art. 18). See *Registro*.

Books with two stubs are to be kept at the offices where bullion or gold or silver bearing substances are assayed or exported, from which the coinage or exportation documents are to be taken, and the receipt of the interested party must be taken on the stubs (R. L. Met. Prec., Art. 16).

### **Linderos** [BOUNDARY LINES].

The exploitation of ores is entirely limited by the respective boundaries of the mines. Workings can only be carried outside of these when there is free ground and after previous application for an increase of the number of claims, which involves the same procedure as an application for a mining concession. See *Ampliación*.

To enter the mining ground belonging to another, it is absolutely necessary to have the consent of the owner thereof, except in the case of a legally acquired right of servitude (L. Min., Art. 8, and R. L. Min., Art. 42).

See *Mojoneras*.

**Liquidation** [OF MINING COMPANIES, ETC., ETC.]

In the case that any mining company or individual miner does not find it convenient to continue the exploitation of any mine or mines which they possess, notice must be given in writing to the Principal Administration of the Revenue Stamp Tax (of the State or locality), which office will forward the notice to the Secretary of the Treasury, so that this latter will note the circumstance in the Register, make the proper publication in the *Diario Oficial* (official newspaper), and draw up the liquidation which may be in order, which liquidation shall be transmitted to the local Administration of the Stamp Tax, so that whatever belongs to the applicant may be returned to him (L. Min., Art. 8, and R. L. Min., Art. 27.

*Liquidation of Taxes on the Precious Metals.* These liquidations are to be made at the mints and Government assay offices.

The exact weight of the gold or silver bearing substances is to be taken. When the pieces of bullion, etc., are weighed and assayed, the liquidation of the taxes and duties is to be made at once.

And shall be made out on a letter of account, if the bullion is to be minted, or on the certificate of payment, if the substances are to be exported. These documents are to be taken from books with two stubs, for the liquidation and the signature of the interested party, and his receipt, etc.

The liquidation must be made known to the parties in interest within three days from the introduction of the substances into any mint or Government assay office.

The assay may be repeated if the liquidation is refused on account of a defect in the assay, or the substances may be withdrawn on payment of the assay fees.

If the interested party does not present himself within four days after delivery of the bullion or other substances at the mint, he is to be taken as in conformity with the weighing, the assay and the liquidation, and loses all rights to protest against any error.

If the interested parties are conformable to the liquidation, they must give their receipt, when it is for bullion destined for exportation, and will receive drafts upon some Government office, bank or commercial house previously designated by the Secretary of the Treasury, and for the term of payment which the Treasury may fix.

If the precious metal bearing substances are sent direct to the Custom House of export, with their proper documents (see *Facturas*), samples are there taken in triplicate, and are forwarded to the Mint or Government Assay Office. Pending the liquidation, the substances may be exported under bond (R. L. Met. Prec., Arts. 1; 10, III.: 15, 16, 17, 18, 19, 20, 21, 42 and 44; also, see 45, 46 and 47).

**Loss of Mining Property.** See *Perdida de Propiedad Minera. Caducidad.*

## M

**Manganese.** A concession in due form is required to work this metal. No workings whatever are permitted in mines or placers of this substance unless protected by a legal title duly registered (L. Min., Art. 3, Sec. A, and R. L. Min., Art. 43).

**Manifestations.** The concessionaries of mining zones (acquired under earlier mining laws now repealed), who may incorporate mining claims into said zone, are obliged to present, within eight days of receiving advice from the Ministry of Fomento that the incorporation is accepted, a duplicate manifestation to the Secretary of the Treasury, so as to receive a voucher for exemption from the annual mining tax (R. L. Imp., Art. 16).

See *Titulos*.

**Manufactures** [OF GOLD AND SILVER].

See *Artefactos*.

**Measurement of Claims.** See *Pertenencias*.

**Meetings, Conciliatory.** See *Juntas*.

**Melting Fees** [ON GOLD AND SILVER]. See *Fundición*.

**Mercury.** To mine this metal it is necessary in every case to obtain a proper concession.

No workings are permitted in any mine or placer of said substance which are not protected by a duly registered legal title (L. Min., Art. 3, Sec. A, and R. L. Min., Art. 43).

By decree of October 31st, 1892, Article 5, the revenue stamps to be put on deeds to mercury mines or deposits are to be one dollar per hectare, and the annual tax is to be one dollar and fifty cents per hectare or *pertenencia*.

The decree of June 3d, 1898, repealed the fifth article of the decree of October 31st, 1892, so that after July 1st, 1899, the title deeds to mines or deposits of mercury are to carry two dollars and fifty cents in stamps per hectare (claim or *pertenencia*), and the annual tax on the mines shall be also two dollars and fifty cents per hectare.

If the mercury ores contain gold and silver, or either, the mines are to pay the same tax as silver or gold mines (Law of June 3d, 1898).

**Metallurgical Works.** See *Haciendas de Beneficio*.

**Metrical Equivalents.** See *Weights and Measures*.

**Mines.** See *Exploitation*.

The mines themselves are real estate—not personal property; but the shares in mines are personal property.

**Mine Waters.** See *Water*.

**Mineral Deposits.** See *Criaderos*.

**Mineral Oils.** See *Aceites Minerales*.

**Mineral Waters.** See *Aguas Minerales*.

**Mining.** The mining industry in the Republic of Mexico is under the supervision of the Ministry of Fomento, and that Ministry may prescribe the measures which it may



deem to be necessary to give impulse to the mining industry, and shall watch over the observance of the mining laws (L. Min., Art. 30). See *Acreeedores* and *Secretary of Fomento*.

**Mining Agents.** See *Agentes de Minería*.

**Mining Claims.** See *Pertenencias*.

**Mining Companies** [DOMESTIC OR FOREIGN].

See *Acciones, Sociedades, Registro, Libros*.

If FOREIGN, see also *Buying a Mexican Mine* and *Extranjeros*.

**Mining Concessions.** See *Concessions* and *How to Obtain a Mining Concession*.

**Mining Engineers.** See *Ingenieros* and *Peritos*.

**Mining Laws.** See *Laws of Mining* and Preface to this Book.

**Mining Property.** See *Propiedad Minera*.

**Mining Stock.** See *Acciones*.

**Mining Surveyors.** See *Peritos* and *Mojoneras*.

**Mining Taxes.** See *Impuestos*.

**Mining Title Deeds.** See *Titulos*.

**Mining Zones.** See *Zonas Mineras*.

**Mint Marks.** Bullion to be coined in the same mint where received shall be marked with a progressive number and with the weight.

Bullion remitted from one mint or assay office to another

mint shall be punch-marked as above, and also with the fineness of the silver and gold, and the name of the office which makes the remittance.

Bars of bullion of more than 100 one-thousandths fine shall be marked in the same manner for foreign export.

Bars of less than 100 one-thousandths fine shall be punch-marked with the National arms and with the name of the office where the exporting documents were made out (R. L. Met. Prec., Arts. 28 and 29).

### **Mojoneras** [LANDMARKS, MONUMENTS].

The marking of mining claims upon the surface of the ground shall be made by means of monuments or landmarks, which must fulfil the following requisites:

I. They must never be changed from their position, since they are intended to mark points that are essentially invariable as long as the claims or concessions which they define continue unchanged.

They are to be solidly constructed, and must always be preserved in good condition, making such repairs as may be necessary.

II. They must be situated in such convenient number and place so that in every case, from any one of them can be seen the former and the following one. By their form, color or in some other way they must be distinguished from neighboring landmarks.

Bearing in mind the foregoing instructions, the mining surveyor appointed by the Mining Agency shall mark upon the ground the points where the landmarks are to be placed. The surveyor shall also mark these points on the corresponding plan which he may draw up (R. L. Min., Arts 3, 8 and 19).

In case that an increase of the number of claims in any

mining concession shall be applied for, the landmarks must be placed upon the boundary lines of the new property in accordance with the directions already given.

The same shall be done whenever there is a remeasurement (rectification) or a reduction of the number of claims (C. Fom., September 3d, 1892).

**Money.** The monetary unit of the Mexican Republic is the silver dollar (peso), which shall weigh 27 grams, 73 milligrams, with a fineness of 902.777 thousandths (Law of November 27th, 1867, Arts. 1, 4 and 5).

The silver dollar (peso) is divided into two pieces of 50 cents each, with a weight of 13 grams, 536 milligrams each; four pieces of 25 cents each, with a weight of 6 grams, 768 milligrams each; ten pieces of 10 cents each, with a weight of 2 grams, 707 milligrams, and twenty 5-cent pieces, with a weight of 1 gram, 353 milligrams. The fineness of all these coins is equal to that of the silver dollar (Law cited, Arts. 2, 4 and 5).

The cents now in use are of copper or bronze.

The gold coins are: pieces of 20 dollars (pesos), with a weight of 33 grams, 841 milligrams; of 10 dollars, with a weight of 16 grams, 920 milligrams; of 5 dollars, with a weight of 8 grams, 460 milligrams, and of 1 dollar, weighing 1 gram, 692 milligrams. The fineness of all of these coins is 875 thousandths, or 21 karats (L. C., Arts. 3, 4 and 5).

By the law of December 13th, 1892, and June 1st, 1893, the 25-cent pieces were directed to be withdrawn from circulation, but this has, up to date, not been carried into effect. However, the coinage of 25-cent pieces has ceased, and from January 1st, 1898, the Mexican mints have been coining 20-cent silver pieces, with a weight of 5 grams, 415 milligrams and a fineness equal to that of the standard *peso*.

**Mortgage.** See *Hipoteca*.

**Muestras,** See *Samples, Sample Lots*.

**Multas** [FINES].

The default of presentation of a title deed to mines before the local Sub-Treasury office within the term designated in the law of October 31st, 1892, was punishable with a fine equal to the value of the revenue stamps which the deed should carry, if the latter was presented within two months after the expiration of the term; and for every two months more delay in the presentation of the title deed, the holder became liable to another fine equal to the value of the revenue stamps (Law of October 31st, 1892, Art. 4, and L. Imp., Art. 6).

The concealment of the number of claims is punishable by a fine equal to double the value of the revenue stamps corresponding to the title deed of the concealed claim, and also of twice the whole amount of the annual tax for the entire time during which it has not been paid, without prejudice to the civil or criminal responsibility which the concealer may have incurred, and which will be exacted at the proper time (L. Imp., Art. 6).

The default of payment of the annual tax upon any mining property, within the first month of the four-monthly term, will cause the proprietor of a mine to incur a fine equal to fifty per cent. of the tax, if it is paid during the second month; if the payment is made during the third month, the fine shall be equal to the entire amount of the tax.

When the third month shall have passed without the payment of the tax and of the fines, the property of the mine shall be lost without any recourse. It shall be so declared by the Secretary of the Treasury, and published in the *Diario*

*Oficial*, so that any one may apply for the same (L. Imp., Art. 6).

The falsity of the data which may be presented by a party in interest for the payment of the mining tax, as well as the omission to give timely advice that the ores exported from the mine contain gold, silver or platinum, are punishable by a fine equal to three times the amount of the tax which ought to have been paid since the time when the false data were presented or the notice ought to have been given.

But in no case shall the time for which the fine is computed be less than one year (L. of June 3d, 1898, Art. 3).

The introduction of bullion or ores within the zones of twenty kilometers from the coast or frontier, and their transportation therein without proper documents, is punishable by a fine of double duties:

I. When the substances in question have paid duties, and are found with their seals and marks in good condition.

The said substances shall be weighed and assayed as if they had not been assayed before, and in the imposition of the fine the duties already paid shall be deducted therefrom.

II. If the bullion or ores have not paid the taxes and duties and have no invoice, but arrive at the Custom House of export without having been seized, and are presented voluntarily.

If the bullion or ores should be seized within any zone with documents whose terms have expired (R. L. Met. Prec., Arts. 50 and 51).

The violation of official seals shall always be punished by levying on the carrier a fine of from ten to two hundred dollars, according to circumstances.

If any substitution of effects has been practiced, the

owner shall be punished according to the general Custom House Ordinance, and the carrier shall be fined three times the amount of the duties to be paid on the substituted goods (L. L. Met. Prec., Art. 52).

Persons or business houses refusing to present the invoices of mining products when requested by customs employees shall be fined from five to one hundred dollars. See *Facturas*.

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## N

**Nickel.** This metal cannot be mined without the proper concession in every case. Hence, it is not permitted to work mines or placers of this substance which are not protected by a duly registered legal title (L. Min., Art. 6, Sec. A., and R. L. Min., Art. 43).

**Noticias** [REPORTS]. See *Informes* and *Avisos*.

**Notice.** See *Avisos*.

**Notifications to Creditors.** See *Acreedores* and *Administrations of Stamp Taxes*.

# O

**Ochres.** Those which are mined as coloring material do not require any especial concession, and therefor the owner of the soil may work them freely (L. Min., Art. 3, Sec. A. and 4).

**Official Crimes and Misdemeanors.** See *Delitos*.

**Operations, Field.** See *Peritos*.

**Opposition.** The publication of the summary in each case of application for a mining concession has the effect of a summons to all those who may believe that they have a right to oppose the application in question (R. L. Min., Art. 22).

Any opposition that is commenced against an application for a mining concession must be presented within the four months ensuing from the date of the summary, which is published in every case on the Bulletin Board.

Apart from this, every opposition to be admissible must be founded upon one of the following motives :

I. Nonconformity of the owner of the ground.

II. Invasion of contiguous claims or gores.

III. An anterior property in or application for the claims or gores now applied for, or some part thereof (R. L. Min., Art. 26).

If the opposition should be founded upon some other motive, different from the three just mentioned, the Mining Agent shall confine himself to aggregating the document to the docket, without suspending the course of the latter (R. L. Min., Art. 32).

When an opposition is presented by the owner of the ground, alleging that the mineral deposit in question does not exist, and if from the report of the surveyor expert it shall appear that there are indications of the mineral on the surface of the ground, or a prospect hole, or prospect work of any kind in the deposit itself, the Mining Agent shall decline to hear the opposition, and shall continue the proceedings on the administrative docket until their termination, so that the Ministry of Fomento may award to the applicant the property in question, which is understood to be only that of the sub-soil, and in any case the area and price of that part of the surface to be occupied by the miner are always subject to a judicial decision (L. Min., Art. 20, and R. L. Min., Art. 30).

In the case that there are no indications of a mineral deposit on the surface of the ground, nor any prospect hole, or exploration of any kind, for the course to be followed see under *Expropriation*. The court will decide whether a mining concession is to be granted or not, and its decision may be appealed from.

Except in the two anterior cases, the Mining Agents shall suspend the proceedings upon applications for concessions whenever an opposition is presented thereto (L. Min., Art. 19).

Whenever an opposition is presented, the Mining Agent shall advise the applicant thereof by means of a notice, during three consecutive days on the Bulletin Board (of the Agency), giving the name of the opposer, and of the



applicant, and the ordinal number of the docket corresponding thereto. In this docket shall be made a note of said notice being published (R. L. Min., Art. 27).

Except in the case that the applicant may present himself in the Agency to manifest that he withdraws his application, the Mining Agent shall order the document of opposition to be reserved until he shall receive the report and plan of the surveying expert (R. L. Min., Art. 28).

On the same day in which the latter documents are received, the Mining Agent shall summon the interested parties (applicants and opposers) to a meeting within the next fifteen days, by means of a notice on the Bulletin Board during three consecutive days, in which notice shall simply appear the number of the docket, the names of the interested parties and the day and hour of the meeting.

At the meeting the Mining Agent shall endeavor, above everything, to reconcile the dissentients, and to avoid judicial questions. A note of all these points shall be made on the docket (R. L. Min., Art. 29).

If the Mining Agent does not cause an agreement between the interested parties, he shall suspend all proceedings, and deliver the docket to the applicant, so that under his responsibility, and within a prudent term to be fixed by the Mining Agent, said applicant shall present the docket to the local Judge of First Instance, to whom it may belong (R. L. Min., Art. 31). See *Juicios*.

When the opposition has been presented after the plan and report of the surveying expert have been received, but before the expiration of the four months' term fixed by law, the above proceedings for an agreement shall be followed as far as applicable, this being the only case, except that in which the docket is to be sent to the courts, in which the

Mining Agencies may postpone the proceedings up to thirty-five days beyond the four months prescribed for the procedure in the docket, provided that the opposition shall be presented less than twenty days before the day on which the term of four months is to expire (R. L. Min., Art. 33).

When the aforesaid four months shall have expired without any opposition appearing, or if the opposition is not one of those that interrupt the procedure, or if the docket has been returned from the Tribunals with a final sentence favorable to the applicant, the Mining Agency, under the strictest responsibility and within the next fifteen days, shall take a copy of the docket, and shall remit the same, together with the copies of the plan, in a registered package, to the Ministry of Fomento, unless the applicant prefers to take charge of the forwarding of said documents, in which case the Mining Agency shall so inform the Ministry of Fomento (R. L. Min., Art. 34).

See *Desistimiento* and *Concessions*.

### **Oro** [GOLD].

For mining gold it is necessary to previously obtain, in every case, the respective concession. Hence, no workings are permitted in mines or placers of this substance unless they are protected by a properly registered legal title (L. Min., Art. 8, Sec. A., and R. L. M., Art. 42).

The Executive of the Union was formerly authorized, by law of June 6th, 1894, to make contracts, within a term of one year from that date, for the prospecting and working of gold mines and gold placers, according to the conditions of said law. This authorization expired June 6th, 1895, and has not since been renewed, so that, under existing laws, no

more contracts of that kind can be made. See *Authorization*.

Gold — refined, alloyed or in ores — is subject to the payment of revenue stamp and coinage tax and assay fees; also, to melting, refining and parting fees, in certain cases. See *Impuestos*.

Gold ores, to be exported in their natural state or mechanically concentrated, must pay the coinage and revenue stamp taxes upon the value of the gold they may contain, with a rebate of ten per cent.

## P

**Parting of Gold and Silver.** See *Apartado*.

**Partnership.** See *Sociedad*.

**Payment of Taxes.** See *Impuesto*.

**Penalties.** The Executive of the Union shall designate, according to Article 21 of the Mexican Constitution, the administrative penalties which are incurred by the infractors of the regulations of the mining law (L. Min., Art. 31).

Any person who may resist the performance of the field work by the surveying expert appointed by the Mining Agency, in any case, may be punished according to Article 904 of the Penal Code of the Federal District, or to the equivalent legislation of the States (R. L. Min., Art. 23).

Said penalties are an arrest of from one to eleven months and a fine of from ten dollars to one hundred dollars.

See *Multa*.

**Perdida de Propiedad Minera** [LOSS OF MINING PROPERTY]. Any person who allows a third of a year to pass without paying the property tax which shall correspond to his mines shall lose his property without recourse (L. Imp., Art. 6). See *Caducidad*.

**Period for Proof.** See *Opposition*.

A period of twenty days was established, in certain cases, by the old mining code for presenting proofs before the old Mining Diputations, but is now abolished, as the official functions of the Mining Agents are exclusively administrative, and not in any way judicial (R. L. Min., Art. 8, transitory).

The term of proof in mining cases, before any court, will vary according to the legal legislation of the State. According to the Code of Civil Proceedings of the Federal District, the term of proof is usually not over forty days, but may be longer in special cases, when testimony has to be taken at a distance.

**Periodicals.** The copies of the periodicals in which are made the publications of the summary (see *Concession*) must be delivered to the Mining Agent, so that they may be added to the docket (L. L. Min., Art. 21).

**Peritos** [SURVEYOR; EXPERTS, MINING].

Within the three days next following the presentation and registry of an application for a mining concession, the Mining Agent must appoint a graduated surveyor expert, or, if none such is to be found in the place, a practical expert, who shall measure the claims and gores applied for and draw up the corresponding plan, marking clearly thereon the monuments (landmarks) of the claims or gores aforesaid, as well as the contiguous claims within a zone of at least 100 meters all around.

The Mining Agent may appoint the expert indicated by the applicant, whenever said expert has the necessary qualifications (R. L. Min., Art. 19).

The expert, within eight days after his appointment, must notify the Agent whether he accepts or declines the

appointment; and, in the former case, that he has already made an agreement with the applicant with respect to the payment of the fees. The Mining Agent shall make the corresponding note thereof on the docket.

By desire of the applicant, the above term of eight days may be prolonged by the Mining Agent, one single time only, for the same number of days more (R. L. Min., Art. 20).

At the time of making the note of the acceptance of the expert, the Mining Agent shall fix for the expert a peremptory term of sixty days to present, in triplicate, the corresponding plan, accompanied by a detailed report; and he shall deliver to the expert a certified copy of his appointment, cancelling thereupon a revenue stamp of ten cents for each leaf. The said copy shall conclude with the admonition that whoever may resist the performance of the field work which the said surveyor has to carry on will be in danger of the penalties laid down in the law (see *Penalties*).

If the surveyors, in the performance of their work, actually meet with resistance, they shall demand the assistance of the public forces.

It has been expressly declared that surveyors, during the discharge of their duty, have the character of executors of a legitimate order of a public authority (R. L. Min., Art. 24. and C. Fom. July 6th, 1892).

The surveyor experts must pay attention to whatever observations may be made to them by the applicant (for the concession they are measuring), and by those who have opposed the application for the concession, or who propose to oppose it.

But they are not to express any opinion upon the observations, except in the explanatory report which they must present to the Mining Agency.

The presentation of said report within the peremptory term fixed by law is a personal responsibility of the experts, who shall be charged with all the loss and damages that may be caused by any default in the presentation of said document (R. L. Min., Art. 25).

The operations on the field to be practised by the duly appointed surveyor expert shall be executed in such a manner that, by means of the necessary scientific processes, there shall be determined the horizontal lengths of the sides of the claims, and the angles formed by the aforesaid sides with the true meridian.

For this purpose the surveyor experts shall determine the magnetic declination of the compass, if that instrument is used to measure the courses of the sides.

Effort shall be made to refer some one of the vertices of the perimeter to fixed points found on the ground, and all the necessary data shall be collected for the verification of the work.

The surveyor must mark on the ground the points where the monuments, or landmarks, are to be placed. See *Mojueras*.

The plans of the claims shall be neatly and accurately drawn, on strong paper, for the preservation of the document, but the copies may be taken on tracing cloth.

The scales must always be decimal and proportionate to the object of the plans. See *Escalas*.

The plans must show the length of the sides in meters, the directions of the same with reference to the true meridian, the declination of the compass used, with the date on which this was determined, and the area in hectares (R. L. Min., Art. 39). See *Plans*.

The responsibility which is incurred by the bad execution

on the ground of the work of marking out and measuring the claims extends to the graduated surveyor expert as well as to the simply practical experts (C. Fom., July 1st, 1892).

The law does not exact the presence of the Mining Agent nor that of any other authority, at the act of marking off and measurement of the claims: Hence, the applicants will not have to pay the costs which were formerly to be paid for said presence.

The want of said presence does not take away the necessary legality of the act, which is fundamentally a technical operation, and does not imply the occupation of property nor the infringement of any rights, which latter are guarded by the provisions of the law and its regulations (C. Fom., July 1st, 1892).

In reference to experts appointed in the cases of *expropriation* and of *reduction of claims*, see those words.

**Personal Property.** Mining shares are personal property, although the mines themselves are real estate.

**Permits for Prospecting.** See *Explorations*.

**Permits.** See *Edifices*.

**Pertenencias** [MINING CLAIMS].

The unit of a concession, which is a mining claim (*pertenencia*), is a solid of indefinite profundity. It is limited on the exterior by that part of the surface of the ground which serves as the projection of a horizontal square of one hundred meters on each side, and on the interior by the corresponding four vertical planes.

The *pertenencia* is indivisible in all contracts made as to mining concessions, and which affect the ownership of the same (L. Min., Art. 14).



A fractional part of a claim cannot be the subject of a mining concession, unless it is found between other claims already conceded (L. Min., Art. 15).

Those mines which may have been at work or legally protected from the necessity of being worked at the time when the mining law of June 4th, 1892 commenced to be in force, shall preserve their claims with such measurements as they may have, if the owners so desire it, even though said measurements should be different from the new measurements now established (L. Min., Art. 4, transitory).

The mining concessions may take in, whenever there is sufficient free ground, whatever number of claims may be applied for, without taking into consideration whether the applicants are one only or several—whether these constitute a company or not; and as many claims may be acquired as may be desired (L. Min., Art. 15, and C. Fom., July 1st, 1892).

The marking off and measurement of the claims on the ground does not imply any right to the occupation of the latter, and only serves to show the boundaries of the mining concession. See *Possession*.

The applicant should thoroughly understand that he must agree with the owner of the land for the acquisition, whenever he may so wish, of such a part of the surface as he may need to occupy for the dependencies of his mining works, or of the whole of the surface marked off into claims (in the case of placers or superficial deposits).

This acquisition may be through mutual agreement and in accord with the owner, or by expropriation, by promoting the corresponding judicial decision (R. L. Min., Art. 40). See *Expropriation*.

The applications for mining concessions in which inter-

rupted (separated) claims are asked for shall be admitted whenever said claims are all in the same municipality and on the same mineral deposit; but in the case of being in different municipalities or on different mineral deposits, separate applications must be presented with reference to each claim or group of claims in each separate mineral deposit or municipality (Circ. Fom., October 31st, 1899).

See *Amplification, Reduction and Rectification* of claims, under these words.

**Petroleum.** Any mineral oil can be freely exploited, without the necessity of a special concession, by the owner of the soil wherever the said substance may be found (L. Min., Art. 4).

#### **Piedras Preciosas** [PRECIOUS STONES].

For mining these it is necessary that in every case the interested party shall obtain the necessary concession; for which reason no workings whatever are permitted in mines or placers of precious stones, unless protected by a duly registered legal title (R. L. Min., Art. 43).

#### **Placers** [SURFACE OR SUBTERRANEAN].

No work can be commenced in placers of precious stones, or of any mineral substances whose exploitation requires in every case a special concession, if there does not exist a duly registered legal title (R. L. Min., Art. 43).

The workings required for the exploitation and utilization of mining placers are considered to be of public utility. In consequence thereof, and in default of agreement, proceedings are in order for the forced expropriation, for said cause, of the lands necessary for the above purpose. See *Expropriation and Exploitation* (L. Min., Art. 10).

Subterranean gold placers are only those which are found at such a depth that their exploitation requires underground workings of a mining character.

Placers covered with alluvial soil or other rocks, but which are not at such a depth as to require subterranean mining workings, but which can be worked by removing the soil from the surface, are not subterranean placers.

Whenever an expert report indicates, under the responsibility of its author, the existence of subterranean gold placers, one year may be conceded for prospecting work.

The depth of the shafts for such work may be whatever is necessary.

Mining concessions for other minerals may be applied for within the limits of the zone conceded for prospecting for underground gold placers (Law of November 13th, 1899).

**Plans.** The surveyor appointed to measure any concession must present his plans to the Mining Agency within the peremptory period of sixty days, under his own strictest responsibility.

The plan must be in triplicate, showing the claims or gores that have been applied for, as well as the neighboring claims within a distance up to 100 meters. See *Peritos* and *Informes* for more details about plans.

One of the three plans (on strong paper) is to be placed in the docket, and the other two are regarded as copies thereof. All three must be compared and countersigned by the Mining Agent before the first plan is remitted to the Ministry of Fomento with the docket (C. Fom., September 1st, 1892).

The plans and reports relative to mining concessions do not need revenue stamps (C. Fom., Oct. 19th, 1892).

In case the parties in interest should solicit copies of any plans existing in the archives of the Mining Agencies, the

parties or persons designated by them for that purpose shall be permitted to make said copies on the premises of the Agency (C. Fom., September 1st, 1892).

### **Plata** [SILVER].

For the mining of silver it is indispensable to previously obtain the corresponding concession in every case. Hence, no workings whatever in mines or places of silver can be permitted unless they are protected by a duly registered legal title (L. Min., Art. 3, Sec. A., and R. L. Min., Art. 43).

Silver is subject to the revenue stamp tax, to the coinage tax and to the payment of assay fees, as well as to fees for remelting, refining and parting in certain cases (L. Met. Prec. of March 27th, 1897, and its tariffs). See *Impuestos*.

Silver ores exported in their natural state or mechanically concentrated must pay the revenue stamp and coinage taxes upon the total value of the gold and silver they may contain, with a rebate of ten per cent.

For the official valuation of silver and gold, see *Amone-dación*.

**Platinum.** This cannot be mined unless a mining concession is previously obtained in every case, and, for the same reason, all workings are prohibited in mines or placers of this metal which are not protected by a duly registered legal title (L. Min., Art. 3, Sec. A., and R. L. Min., Art. 43).

### **Plomo** [LEAD].

Lead cannot be mined without a proper concession in every case. No workings whatever are permitted in mines or placers of this metal which are not protected by a duly registered legal title (L. Min., Art. 3, Sec. A., and R. L. Min., Art. 43).

**Poder** [POWER OF ATTORNEY]. See *Apoderados*.

**Poblaciones** [INHABITED PLACES, TOWNS AND VILLAGES]. Prospectors must not execute any exploratory workings near the edges of a town or village, unless at a distance of fifty meters from the exterior lines of public and private edifices and the dependencies thereof (R. L. Min., Art. 14).

**Police Regulations.** The exploitation of mineral substances, whether of those that require a concession or those that belong to the proprietor of the surface, is subject to all the ordinances that may be established relative to the police and security of the said exploitation (L. Min., Art. 22). Note.—No such Regulations have been promulgated up to date (April, 1900).

**Possession.** As soon as the approbation of the docket is obtained, and the title deed is made out in favor of the concessionary, he enters at once into possession of the mining claims, without the necessity for any other formality whatsoever (L. Min., Art. 18).

According to the fundamental principles of the new legislation upon mining, the miner is not obliged to commence his workings of exploitation at any fixed time. So that he can arrange with the owner of the land, at any time when it is convenient to do so, for the purpose of acquiring the area necessary for his workings, thus avoiding the cost of taking possession, which the law does not demand. Note.—Taking possession, under the old laws, was accompanied by certain acts or ceremonies—done in the presence of some legal or administrative authority, who had to be paid.

—It is sufficient for the acquisition of the property that the docket has been approved and the title deed made out, which causes all the judicial effects of a delivery.

The parties in interest who wish to omit no formality, and that they may be placed in possession of what they have acquired, must apply to the judicial authorities for that purpose (C. Fom., July 1st, 1892.)

**Power of Attorney.** See *Apoderado, Poder* and *Carta-Poder*.

**Practicos** [PRACTICAL ENGINEERS]. See *Peritos*.

**Precious Stones.** See *Piedras Preciosas*.

**Preference.** Mortgage creditors always have

**Preferred Creditors** the right to pay the Federal tax upon mining property, if not paid by the owner, and by such payment they acquire a right of preference with respect to the ownership of the mine in question, even over their own mortgage.

See *Acreedores*.

**Private Lands.** See *Terrenos de Propiedad Particular*.

**Proof, Period for.** See *Period for Proof*.

**Propiedad Minera** [MINING PROPERTY].

Mining property legally acquired is irrevocable and perpetual as long as the Federal tax upon property is paid (L. Min., Art. 5).

The primordial title deed of all mining property acquired according to the laws now in force is that which is made out by the Ministry of Fomento by virtue of the powers conferred by said laws (L. Min., Art. 6).

Mining Property, except in case of placers or superficial deposits, is understood to be only with respect to the subsoil, and not to the surface. See *Expropriation*.

The surface continues under the ownership of its proprietor, except in such part thereof as the miner needs to occupy in certain cases and conditions (L. Min., Art. 7).

The water which is raised to the surface by virtue of the subterranean workings of mines belongs to the owner of the latter. The provisions of the common laws must be observed as far as relates to the rights of the owners of the lands over which said waters take their course (L. M., Art. 9).

Whenever the owner of any mine shall transfer the same, he must give notice thereof, in writing, to the Principal local Administration of the Revenue Stamp Tax, through the corresponding subordinate office or agency.

Said Principal Administration shall give account thereof to the Secretary of the Treasury, to be duly noted in the register (L. Imp., Art. 8, and R. L. Imp., Art. 27).

The same notice must be given in the case that any person or company does not desire to continue with the property of any mine or mines which may have been acquired (L. Imp., Art. 8, and R. L. Imp., Art. 27).

The default of payment of the Federal tax constitutes at present the only cause of the loss of mining property, without any recourse.

In this case the mining property remains free from all encumbrance, and may be conceded to the first applicant (L. Min., Art. 29, and L. Imp., Art. 6).

Mining property is classed as real estate, but mining stock is personal property. See *Acciones*.

**Prorgation.** The exemptions from the mining tax which were conceded by the Executive before the Mining Law of June 4th 1892, are not prorogable (L. Imp., Art. 4).

The Federal mining tax law of June 6th, 1892, provided in Article 2 that all owners or possessors of mines should present

their title deeds to the Treasury Agencies before the 31st of October of the same year. By decree of October 31st, 1892, the term of presentation was prolonged until June 30th, 1893, with the understanding that the prorogation was only applicable in cases of a real impossibility on the part of the mine owners to present their titles (C. Fom., 15th November, 1892).

The same decree of October 31st, 1892, prolonged also the terms fixed for the application of the penalties referred to in Article 6 of the Federal tax law, and provided that the said terms should commence to be counted from the 1st of July, 1893, and that this postponement should only be conceded to mine owners who might have complied with the requisites laid down in Articles 1, 2 and 3 of the decree of October 31st, 1892.

**Prospecting.****Prospecting Permits.**

See *Explorations*.

**Proofs.** The Regulations of the Mining Law established June 25th, 1892, in Article 8, transitory, expressly prescribe that the Mining Agents, as merely administrative authorities, have no authority to receive and pass upon proof in the manner in which these are received and passed upon by the tribunals. See *Period for Proof*.

**Publications.** The summary which the Mining Agent forms in each case of application for a mining concession must be published three consecutive times, within forty days after the date thereof, in the official newspaper of the State, etc., at the cost and risk of the applicant.

Said publication has the effect of a summons for all who think they have any right to oppose the application for the mining concession in question (R. L. Min., Arts. 21 and 22).



When an application for a reduction of the number of claims in any mining concession is received before the expiration of the four months which the law allows for the termination of the procedure on the dockets of the mining concessions, the Mining Agent must bring said application for reduction to the knowledge of the public by means of an advertisement in the local official periodical and another on the bulletin board of the Mining Agency (C. Fom., November 20th, 1893).

Any omission of the above publications, whenever attributable to the applicants, shall imply that the latter are to be understood as having desisted from the application in question (R. L. Min., Art. 36).

The Ministry of Fomento shall publish every six months in the *Diario Oficial* (official daily newspaper) of the Federation a list of the title deeds of mining property made out during the half year (L. Min., Art, 50).

# R

**Railroads.** See *Ferrocarriles*.

**Recaudación** [COLLECTION OF TAXES].

The collection of the annual tax upon mining property is to be made by the Offices of the Stamp Tax, according to the law of March 31st, 1887; December 9th, 1891, and other laws in force (L. Imp., Art. 5, and R. L. Imp., Art. 17).

**Receipt.** When precious metals, or substances containing the same, are presented at an, mint or Federal assay office, a receipt shall be made out to the interested party, which shall show the number and weight of bars of bullion, and whether they are to be coined or exported.

If the substances presented should be ores or artificial substances, the number of packages and the weight thereof must appear on the receipt.

The receipt shall be taken from a stub book, and the interested party must sign the stub (R. L. Met. Prec., Art. 6).

**Rectification** [REMEASUREMENT OF CLAIMS].

Whenever this is applied for, it shall be subject to the same procedure and requisites as are determined for mining concessions (R. L. Min., Art. 42). See *Solicitud*.

For the purpose of explaining the anterior provision of

the law, the Ministry of Fomento, by circular of September 3d, 1892, prescribed the following: In cases of rectifications, when it is only sought to repeat the measurement of the claims on the ground, in order to place them exactly in agreement with the title deed, the procedure will be the same as for a new concession, and the monuments, or landmarks, should be placed according to Regulations; but as the making out of a new title deed is not required, the docket must terminate with the delivery, which the Mining Agent will make to the interested party, of a certified copy of the operations as practised.

But if the purpose of the rectification is to correct any errors that may exist in the title deed, the law demands the drawing up of a new title deed, and hence the entire proceeding is the same as for new concessions.

**Recourse.** In cases of expropriation, the decision of the judge must be executed without any other recourse than that of responsibility (L. Min., Art. 11).

Also, there is no recourse whatever against the loss of mining property for default in the payment of the Federal tax (L. Imp., Art. 6).

If the case in question is that of the opposition of the owner of the ground to the granting of a mining concession, then, and in that case, is admitted the recourse of appeal, in both effects, against any decision which may be pronounced by the judge who takes cognizance of the matter (L. Min., Art. 20). See *Apelación*.

**Reduction of the Number of Claims.** This must be solicited in writing, carrying a revenue stamp of fifty cents per leaf (C. Fom., November 13th, 1892).

Whenever the reduction is applied for before the publica-

tion of the summary, it will be sufficient to have the petition endorsed upon the original application, upon the duplicate and in the Registry book.

The summary should be published as corrected, and there will be no necessity of making a new application.

If the reduction is asked for after the publication of the summary, the original application must be desisted from, and a new application presented (C. Fom., August 1st, 1892).

A reduction of the number of claims acquired under the new law does not require a new title deed to the property.

The Mining Agent before whom the new application is presented, accompanied with the corresponding title deed, shall appoint an expert, who, at the expense of the applicant, and within a convenient term which the Mining Agency shall allow for the purpose, shall make a plan of the reduced property, and shall locate the necessary monuments according to Regulations.

The Mining Agent shall also make a note of the reduction as asked for and as practised, on the register of applications for concession and on the title deed of the property, which shall be delivered to the interested party, together with a certified copy of the proceedings.

The docket shall be terminated with the notice of the reduction, which should be immediately given to the local office of the Revenue Stamp Tax.

In the case of a reduction of the number of claims acquired before the mining law of June 4th, 1892, the procedure will be the same; but in this case the Mining Agent must conform to the provisions of the circular sent out by the Ministry of Fomento on August 30th, 1892.

The Mining Agent must make due mention of all cases of reduction of the number of claims in the monthly report

which he has to forward to the Ministry of Fomento (C. Fom., September 3d, 1892).

If the reduction of the number of claims should be made before the expiration of the term of four months which the law allows for the completion of the docket relative to any concession, it will not be necessary that the interested party should desist from his original application.

In such cases the following procedure shall be observed :

*First.*—If the application for a reduction should be presented before the surveyor expert has made the survey, the Mining Agent shall give notice to the surveyor, so that the survey shall be made in accordance with the desires of the party in interest.

*Second.*—If the expert shall have already presented his report, the Mining Agent shall make a new appointment, so that the reduction may be made at the expense of the applicant, and within a term which shall not exceed the time remaining for the expiration of the four months allowed by law for the surveys.

In either case the Mining Agent shall make a note of the reduction in the docket, and shall bring it to public notice by means of the official newspaper of the State, and by a notice on the Bulletin Board of the Agency.

It is understood that the publication made in the newspaper shall be at the expense of the interested party (C. Fom., November 20th, 1893).

The time for the publication of the notice shall be fifteen days.

New applications for the concession of ground now left free shall only be admitted and registered after the expiration of said term.

The party interested in the reduction shall be obliged to

present to the Mining Agent, before the termination of the proceedings relative to his application, one copy of the official newspaper in which the proper publication has been made.

If the reduction shall be applied for, and if any requisite of the law or regulations has been uncomplished in the anterior procedure, the Mining Agents shall note the circumstance in the docket relative thereto. The reduction shall not be proceeded with, and when the proper term has expired, the docket shall be forwarded to the Ministry of Fomento for the corresponding decision (C. Fom., March 1st, 1897).

**Re-exportation.** At the expiration of the term fixed by the Secretary of the Treasury, all wagons, carriages, tools or instruments which may have been brought from abroad by persons who have come into the country for exploring work, must be re-exported, or the customs duties fixed at the time of arrival of said goods will be collected (General Custom House Ordinance, Art. 452, and C. Hda., November 7th, 1896). See *Exploration*.

**Refining of Gold and Silver.** See *Afinación, Bullion*.

**Registration.** The offices which have charge of the public register of property; in default of these the mortgage offices, and in default of both the Judges of First Instance of the common (State) law, shall keep an especial book for the registry of mining transactions (L. Min., Art. 25; R. L. Min., Art. 51, and Code of Commerce, Art. 18).

Registration is obligatory with respect to contracts of partnership or of companies, and is optional with respect to title deeds of mining concessions or property.

The Register Book is to be filled up according to the chronological order of the presentation of documents, and

the following items must be inserted therein, as nearly as may be:

I. The name, title or social designation of the concern.

II. The class of operations to which the concern is devoted.

III. The date on which it will commence or has commenced its transactions.

IV. Its domicile, specifying the branch houses it may have established, although these branches must also be registered where situated.

V. The contracts of association of every partnership or company, whatever may be its object or denomination, as well as the contracts of the modification, recision or dissolution of the same.

VI. The minutes of the first general meeting and the documents annexed thereto, in the case of stock companies which were organized by public subscription.

VII. General powers of attorney, appointments and the revocation of the same, if such were conferred upon managers, agents, employees or any other representatives.

VIII. The record of the increase or decrease of the money capital of stock companies or partnerships.

IX. Title deeds of mining property.

X. Issues of stock loan certificates and bonds, giving the series and numbers of the certificates of each issue, their interest and payment terms, the total quantity of the issue, and the effects, works, franchises or mortgages (when there are such) which are responsible for the amounts.

Stock or obligations emitted by private parties should also be registered in the same way (Code of Commerce, Art. 21).

If the said title deed and other papers are not registered, they cannot affect unfavorably the rights of third parties,

but said third parties may profit thereby on any favorable points.

Notwithstanding the omission of the mining registry, any documents referring to real estate and to real property rights shall be valid against third parties whenever they may have been registered according to the common law (L. Min., Arts. 52 and 53, and Code of Commerce, Art. 26).

The mining registry shall be made at the seat of government of the county or judicial district where the mine is located, and, if a mining company is in question, also at the domicile thereof.

If, from the extension of the claims (*pertenencias*) or for any other motive, there should be a doubt as to where the registry is to be effected, the Ministry of Fomento shall decide, and must communicate its decision to the Treasury Department (R. L. Min., Arts. 51, 54 and 55, and Code of Commerce, Art. 18).

The inscription shall be made with the certified copy of the respective deed in hand, or from the document itself, or from the written declaration which the interested party may present, whenever the deed to be registered may not be a "public document."

Note.—A "public document" is one drawn up before a notary public, or some official of equal authority, or by some public officer, administrative or judicial.

Documents proceeding from foreign countries, and subject to registration, shall be previously protocolized in the Republic (R. L. Min., Art. 54, and Code of Commerce, Art. 25).

NOTE.—When a document from abroad is to be protocolized in Mexico, it must be certified to by an Ambassador, Minister or Consul of Mexico. This certificate is certified to



by the Foreign Office here. The document is then ready to be protocolized — that is, spread upon the record of a Notary Public — if it is in Spanish.

If not in Spanish, it must be presented, with a translation, to some Court of First Instance in this Republic.

The Court appoints an interpreter to ascertain and certify the correctness of the translation, and the order is then given for the document to be put on record by the Notary Public. In any case the Notary retains the original document among his records, and issues a certified copy thereof, in Spanish, for use, which has the legal effect of the original document.

The Registers cannot in any case, or for any motive, refuse the entry of the documents that may be presented to them (R. L. Min., Art. 51, and Code of Commerce, Art. 31).

Documents duly registered produce their legal effects from the date of the entry, and cannot be invalidated by anterior or posterior documents not registered (R. L. Min., Art. 51, and Code of Commerce, Art. 29).

Foreign companies or houses which may desire to establish themselves or to establish branch houses in the Republic must present and have entered in the Register a certified copy of their statutes, contracts and other documents referring to their organization; also, their inventory or last balance sheet, if they had one; also, a certificate of being constituted and authorized according to the laws of their respective country.

This certificate must be made out by the Minister accredited by this Republic to that country, or in default thereof by the Mexican Consul (R. L. Min., Art. 51, and Code of Commerce, Art. 24).

Any change of ownership of a mining property must be notified to the Mining Agent or other officer in charge of the Register, so that the proper note can be made thereon (L. Imp., Art. 7).

The Mining Agents of the Ministry of Fomento shall also keep a registry book, paged and countersigned by the Ministry of Fomento, in which must be registered all applications for the concession of mining claims or gores that may be presented.

This registration shall be made immediately, in the presence of the applicant, entering the day and hour of presentation, as well as the number of the respective docket.

Blank spaces are not to be left in the book between the several entries, and these must, in every case, be exactly subject to the order of their dates and of the hours in which they were presented (R. L. Min., Arts. 15 and 17).

If two or more applications for a concession of mining claims or gores, covering the same site, should be presented simultaneously, lots shall be drawn, in the presence of the interested parties, to decide which of the applications is to be admitted and registered (R. L. Min., Art. 18).

In the same registry book the Mining Agents shall enter such reductions of the number of mining claims as are applied for and conceded (C. Fom., September 3d, 1892).

### **Reglamento** [REGULATIONS].

The regulations belonging to the mining law of June 2d, 1893, were promulgated on the 25th of the same month.

The Executive of the Union is authorized to designate, according to Article 21 of the Federal Constitution, such administrative penalties as may be incurred by the violators of the provisions of the said regulations (L. Min., Art. 27).

**Rejas** [GRATINGS].

Should be placed at all points of drainage tunnels where they connect with mining workings (L. Min., Art. 12, Secs. IX. and XII.) See *Servidumbres*.

**Remelting of Gold and Silver Bullion.** See *Bullion* or *Fundición*.

**Reports.** See *Informes*.

**Representante Común** [GENERAL REPRESENTATIVE].

The holders of mortgage bonds can only exercise their right of action against the debtor or the hypothecated real estate by means of a representative in common, whose acts, as far as relates to said rights, shall be binding upon the entire number of said bondholders (L. Min., Art. 26).

**Representatives.** See *Apoderado*.

**Responsibility.** Mine owners are subject to responsibility for any accidents which may occur in their mines on account of being badly worked.

Mine owners must indemnify the loss and damages occasioned to other properties for want of drainage, or for any other circumstance that may damage outside interests (L. Min., Art. 22).

See *Peritos*.

**Revenue Stamps.** See *Estampillas*.

**Roads.** See *Caminos*.

**Rocks.** All rocks in place, such as are serviceable for direct use or as raw materials of construction and ornamentation, may be freely exploited by the owner of the ground where they exist, without the necessity of a special concession in any case (L. Min., Art. 14).

**Rock Salt.** See *Salgema*.

# S

**Safety of Mines.** See *Police and Responsibility*.

**Sales of Mines.** See *Ventas and Enajenación*.

**Salgema** [ROCK SALT].

This requires, in every case, the corresponding concession. No workings are permitted in mines of this substance which are not protected by a duly registered legal title (L. Min., Art. 3, Sec. B., and R. L. Min., Art. 43).

**Samples, How Taken.**

**Sampling** of Ores.

**Sample** Pieces.

} *For Assay Methods see ENSAYE.*

*The taking of samples for assay is to be done in the presence of the interested party, if he should so desire, and under subjection to the following regulations :*

I. *For bars of silver, of gold or of both metals, whose fineness is less than one hundred thousandths, from each bar of not over thirty-five kilograms weight one assay piece is to be taken ; and if the weight is greater, another assay piece shall be taken for every ten kilograms or fraction thereof in excess of ten kilograms.*

II. *For pigs of lead, of copper or of any other metal, where the amount of precious metal does not reach one hundred*

thousandths, lots of from one to twenty tons shall be made up, according to the appearance more or less homogeneous of the shipment. The assayer shall select a number of pieces, which shall never be less than the fifth part of each lot. From each one of said pieces an assay piece shall be taken, the whole number of assay pieces shall be melted and mixed, and upon said mixture the assay shall be made, which is to serve for the liquidation of its respective lot.

III. *For sulphides, mattes, ores and metallurgical residues*, before taking the sample for assay, they shall be separated into homogeneous lots, whose weights shall be as follows:

1st. <i>Artificial sulphides and other metallurgical products of like character,</i>	. . . . .	1 ton
2d. <i>Mechanical concentrates.</i>	. . . . .	2 "
3d. <i>Copper mattes,</i>	. . . . .	4 "
4th. <i>Ores, selected or in small pieces,</i>	. . . . .	7 "
5th. <i>Metallurgical residue,</i>	. . . . .	10 "

To take a sample of each lot, one-half of the packages or sacks that make up a lot of the first class shall be emptied.

One-third of the packages or lots of the second class; one-fourth of those of the third class; one-seventh of those of the fourth class, and one-tenth part of those of the fifth class.

The contents of the emptied sacks shall be perfectly mixed, and a heap shall be formed. This heap shall be afterward divided into two equal parts.

One of these two equal parts shall be mixed again, and again divided into two equal parts.

This operation shall be continued until the original heap is reduced to ten kilograms.

The last heap shall be ground to transform it into small

grains, and the division shall be continued until a sample is obtained which shall weigh, more or less, a kilogram.

From the latter, duly pulverized and sifted, the sample for assay shall be taken.

In the formation of the lots, which are to be separately assayed and appraised, a difference of twenty-five per cent., more or less, in the weight of each lot may be permitted, but for the liquidation the exact weight of each lot must be taken.

When the transportation of mattes, ores or metallurgical residues is made in bulk — that is to say, without coverings — by means of wagons or freight cars, the contents of each vehicle shall form one lot.

The assay shall be made by mixing the samples taken from as many separate places as there are tons in the lot.

If in the same car there should be various classes of ores or substances, which are duly separated, one assay shall be made of each class, taking as many partial samples from each class as there may be tons in each class, and endeavoring that the mixture shall be as near as possible to the average content.

IV, *Art products. or objects of goldsmith's work*, which are to be assayed at the desire of their owners, to certify to their fineness.

These are to be assayed by taking the necessary quantity of metal from different points of the object, if it is in one piece, or taking quantities of metal proportional to the size of the pieces, if there are several.

For the assay of silverware, the superficial layer should be discarded, because it has generally been whitened, and has greater fineness. The fineness should be approximated to the one one-hundredth part (R. L. Met. Prec., Art. 10).

New samples may be taken in the Custom House of export, if there is suspicion of fraud (R. L. Met. Prec., Art. 30).

When any substances carrying the precious metals arrive at any custom house with proper documents (but not previously assayed), the Administrator shall order samples to be taken according to these regulations, or more numerous samples, if the substances appear not to be homogeneous.

Every sample (final sample) shall be divided into three parts—one for the interested party, one for the Assay Office and the third for the General Direction of the Mints.

A triplicate minute shall be drawn up, containing the weight of the shipment, the number of samples taken and other data requisite for liquidation.

One copy of the minute shall be sent to the Government Assay Office with one-third part of the sample pieces or samples, duly packed and sealed, and the other third in the same way to the Director General of the Mints (R. L. Met. Prec., Arts. 41, 42 and 43).

The remains of the assay pieces or samples that have been assayed shall be preserved, duly classified, to be returned to the interested parties when no longer needed.

If not claimed within six months, the assay pieces, samples or grains remaining from remelting silver for private parties, shall be considered as ceded to the Treasury (R. L. Met. Prec., Art. 31).

**Sand.**  
**Sand Deposits.** See *Arenas*.

**Scale of Plans.** See *Escala*.

**Secretary of Fomento** [MINISTRY OF FOMENTO].

*Fomento* means "encouragement," in English, as nearly as it can be translated.

The mining industry in Mexico is by law dependent upon the Ministry of Fomento. Said Ministry, as a branch of the powers vested in the Executive of the Union, may decree such measures as it may judge proper for increasing the prosperity of the mining industry, and shall watch over the fulfillment of the laws relative thereto, by means of the engineer inspectors of mines (L. Min., Art. 30). (See *Inspectors of Mines*.)

The said Ministry must pronounce on every docket of a mining concession the final decision corresponding thereto, and must draw up the primordial title deeds of mining property. See *Titulos*.

The said Ministry should publish every six months, in the *Diario Oficial* of the Federation, a list of the title deeds which have been drawn up during said period (L. Min., Art. 6, and R. L. Min., Arts. 16 and 50).

Every time that the Ministry of Fomento gives out a title deed, a detailed account must be sent to the Secretary of the Treasury of the concession to which said title refers (R. L. Min., Art. 37). See *Sollicitudes*.

**Secretary of the Treasury.** Has charge of the collection of the revenue stamp tax, of the annual mining tax, the coinage tax and the assay fees, etc., etc., and of the exportation of the precious metals.

The Treasury Department may, whenever it shall consider it equitable and convenient to do so, modify the rule by which the annual mining tax is to be paid in the local Principal or Subordinate Administration of the Revenue Stamp Tax.

Note.—Mining taxes are frequently allowed to be paid in Mexico City, or in some other central locality, when not



convenient to pay them in the district where the mine is located.

In such a case the Treasury will give notice thereof to the General Administration of the Revenue Stamp Tax, so that this office may communicate the same to the principal local stamp tax office where the mine is situated (R. L. Imp., Art. 20). See *Impuestos*.

The Treasury Department may grant a special concession to metallurgical companies to have their products assayed, and the taxes thereon liquidated, in their own establishments (R. L. Met. Prec., Art. 1).

The Treasury shall determine the compensation of public officers who sell stamps (R. L. Met. Prec., Art. 1).

The Treasury shall designate certain Government offices, banks or commercial houses on which drafts may be drawn to pay for bullion purchased by the Treasury for coinage purposes.

Also, the Treasury shall fix the term in which said drafts shall be payable (R. L. Met. Prec., Art. 20).

The Treasury may fix the minimum value per ton which is to serve as the basis for drawing up bonds for the exportation of precious metals and substances containing them (R. L. Met. Prec., Art. 35). See *Facturas*.

The Treasury may make special regulations for the transportation of metals and minerals within the zones of twenty kilometers along the coast and the frontiers.

The Treasury may modify or condone any administrative penalties (R. L. Met. Prec., Art. 54).

**Security of the Mines.** See *Policia*.

**Sentencias** [JUDICIAL DECISIONS].

Against the decision pronounced in cases of expropriation

there is no legal recourse, except that of the responsibility of the judge (L. Min., Art. 11).

The recourse of appeal, with suspensive effects, will lie against the decision handed down in case the owner of the soil shall oppose the granting of any mining concession (L. Min., Art. 20). See *Apelación*.

The final unappealable decision which may be handed down, when it is sought to establish a legal servitude upon any property, and when the consent of the person whom it is understood should give the same cannot be obtained, shall be communicated by the Tribunal that pronounces the same to the Ministry of Fomento (L. Min., Art. 12. Sec. XIX.)

**Señalamiento de Perteneencias** [MARKING OUT OF CLAIMS]. See *Perteneencias*.

**Servidumbres** [LEGAL SERVITUDES AND EASEMENTS].

Mining properties and common properties — *i.e.*, real estate not used for mining purposes which adjoins mining properties — shall possess and enjoy (or suffer, as the case may be) the legal servitudes of right of way, right of aqueduct, right of drainage and right of ventilation.

For the imposition of said servitudes, and for the assessment of damages corresponding thereto, the judges shall subject themselves to the laws of each State, and to those of the Federal District, and of the Territories, when said laws are not modified by the following rules (L. Min., Art. 12):

I. The legal servitude of drainage consists of the obligation (see *Explotación*) which the owner of one claim incurs to indemnify the proprietor of another claim for loss and damages which may be occasioned by not maintaining the drainage of the subterranean workings, or by not maintaining the said drainage as much as may be necessary, whereby the water flows from the first to the second claim.

Also, in the obligation which all claim owners have to permit through their claims the passage of tunnels or countermines, whose exclusive object is the drainage of one or more workings.

II. Drainage tunnels, when not made by mutual agreement (see *Socavones*), may only be undertaken by the owner or owners of certain claims, for which the said tunnel is an absolute necessity.

III. For the case provided for in the foregoing rule, all the owners of claims that are improved by the drainage secured by means of the tunnel are bound to pay an indemnity in proportion to the benefits received, taking into account the nature of each mine, and according to the state thereof.

IV. The opening of mining tunnels shall not be commenced without previous license, conceded by the Ministry of Fomento, after hearing the opinion of the local Mining Agent, and after examination and approbation of the plans upon which are detailed the course and cross-section of the proposed tunnel. See Rule XXII.

V. Any pay ore which may be found while opening the mining tunnels, if it is found within claims that have been legally conceded, is the property of the owner of such claims; and if it is found within free ground, it shall be divided between the owners of all the claims improved by the mining tunnel, according to the proportions laid down in the foregoing Rule III.

VI. If, where a mining tunnel has been undertaken, one or more veins in free ground are discovered thereby, and if application is made for the concession of the respective claims or gores, the rules as to applications for concessions shall be applied.

The tunnel owners shall be considered as explorers, in

this instance, so that during three months subsequent to the notification (see *Avisos*) only from them can be admitted applications for the concession of the claims in question.

VII. Whenever the Ministry of Fomento has authorized the license referred to in the foregoing Rule IV., only by express contract can any other persons, apart from those that are mentioned in the license as benefitted by the mining tunnel, be considered as undertakers of the tunnel.

VIII. The owners of claims traversed by the drainage tunnel may place an interventor of their confidence within their respective claims while the tunnel is being opened. The functions of the interventor are limited to watching the work, and to reporting to the Mining Agent or to the corresponding judge, in the proper case, such abuses as he may observe.

IX. At those points of drainage tunnels where they communicate, for any reason, with mine workings, gratings shall be fixed as soon as the communication is opened, to prevent transit or passage.

X. Only in case of unanimous consent, expressed in a public deed (see *Escritura*), made by all the interested parties in a general drainage tunnel, according to the foregoing Rule III., may said tunnel be destined to other uses than to those of drainage.

In this case there shall be stipulated in the contract, under penalty of nullity, all the particulars referring to passage or transit, such as are indicated in the foregoing Rule IX.

XI. Mines which may be newly opened, at a point where they may be benefitted by a general drainage tunnel already in existence, shall be subject to the foregoing Rules III., VII., VIII., IX. and X.

XII. The legal servitude of ventilation consists of the

obligation, which every owner of mining claims assumes, to permit that the proprietors of contiguous claims may open communication with his interior workings, whenever such communication will produce as a necessary result a ventilation which could not be obtained in any other manner, except at great expense.

XIII. Unless there is an express contract to the contrary, drawn up in the form of a public deed, between the owner of the dominating property and the owners of the serving property, gratings to prevent passage or transit shall always be placed upon the boundary line of the respective properties.

XIV. Whenever a communicating working, not among those mentioned in the foregoing Rule XII., shall, in fact, ventilate two or more workings, this service of ventilation shall not confer on the mine owner who opened the communication any right to demand compensation from the owners of the other workings so ventilated, nor shall the said owners, in their turn, acquire any legal servitude as an encumbrance upon the mining property which causes the ventilation.

XV. If pay ore should be met with during the progress of a working opened for the purposes indicated in the foregoing Rule XII., the provisions of Rules V., VI. and VIII. shall be observed wherever applicable.

XVI. Also, whatever is applicable in Rule IV. shall be observed.

XVII. All the expenses that may be incurred by the workings which are to be opened to secure ventilation, and those of the posterior preservation of the same, shall be at the exclusive charge of whomsoever solicited the constitution of a servitude.

XVIII. In the future, for the imposition of a legal servi-

tude, as an easement of any mining property, or as an encumbrance to another, there shall be required: Either the consent of the owner of the serving property, expressed in a public deed, or by a declaration signed and ratified before a judicial authority, or before the Ministry of Fomento; an administrative decision, consented to by the interested parties, or a judicial decision. See *Escritura*, note at end.

XIX. The owner of claims in whose favor it is supposed that a legal servitude is to be established, but who does not succeed in securing the consent of the party whom it is presumed should grant the servitude, must present himself before the Ministry of Fomento.

The Ministry, with the formalities and within the term prescribed by the Regulations, shall decide whatever it may deem proper, but always after a hearing of the dissident.

If the latter party or the applicant should not be conformable to the administrative resolution, the right shall be reserved to appeal to the proper local tribunals, within the term fixed by the Regulations.

The final decision shall be communicated by the tribunal which pronounces it to the Ministry of Fomento.

See Rules XXIII. and XXIV.

XX. If the administrative decision should be favorable to the applicant, and adverse to the opposer, said decision can only be immediately put into effect after the filing of a proper bond by the applicant to compensate losses and damages, in case the opposer should obtain a final decision in his favor before the courts. See *Fianza*.

XXI. The three preceding rules are applicable to all the cases in which the provisions of any of the other rules shall or might give rise to a judicial question (L. Min., Art. 12).

XXII. For the imposition of the servitude of a mining

tunnel, as referred to in the foregoing Rule IV., there shall be presented the application made to the local Mining Agent for a permit, which shall be accompanied by the horizontal projection (plan) and section of the tunnel, both to an appropriate decimal scale, as well as the sections and other details which are believed to be proper to illustrate the nature and circumstances of the projected works.

The Mining Agent shall forward to the Ministry of Fomento, together with the application and the corresponding plans, a report upon the subject, which shall contain his own opinion, founded on the data.

The said Ministry, in view of said documents, and of any other data which it may think proper to ask for, shall decide upon the proper course (R. L. Min., Art. 45).

XXIII. The owner of any mining claims, in whose favor it is supposed that a legal servitude ought to be established, and who does not obtain the consent of the person whom it is supposed should bear the servitude, may present to the Ministry of Fomento, in accordance with the provisions of the foregoing Rule XIX., the corresponding application, accompanied by all the necessary data.

The Ministry, in view of the report of the local Mining Agent, and previously hearing the dissident, or his representative, shall determine whatever it may think proper within the terms which it may fix, in attention to the circumstances of each case (R. L. Min., Art. 46).

XXIV. If the applicant for the servitude referred to in the same foregoing Rule XIX., or the party who should bear the servitude, should not be conformable with the corresponding decision of the Ministry of Fomento, he may go before the proper judge, provided he shall do so within a

term of not to exceed two months from the date of said decision (R. L. Min., Art. 47).

**Silver.** See *Plata*.

**Socavones** [MINING TUNNELS].

When it becomes necessary to open drainage tunnels, to promote the working of the mines of any locality, the execution of said tunnels becomes a matter of agreement between the interested parties (L. Min., Art. 23).

Note.—For complete rules with respect to the execution of mining tunnels, see *Servidumbres*, Sections I. to XI., and XXII., etc.

That part of the tunnels situated outside of boundary lines is exempt from the mining tax, when the said tunnels are exclusively designed for ventilation, drainage and for the extraction of minerals which do not come from the tunnel itself (L. Min., Art. 33).

**Sociedades** [STOCK COMPANIES OR PARTNERSHIPS].

Stock companies or partnerships that may be formed for the exploitation of mines shall be governed by the provisions of the Code of Commerce, except in the part relative to momentary associations, which are not admissible in mining business (L. Min., Art. 24).

Note.—The part of the Code of Commerce above referred to comprises Articles 268 to 271, inclusive, which are not applicable to mining affairs.

Every mining company or partnership is obliged to register itself at the county seat of the county or judicial district where the mining claims that form the object of the business are situated, as well as at the domicile or domiciles which the said partnership or company may have in the Republic (R. L. Min., Art. 54). See *Registration*.



Companies that are legally constituted in any foreign country, and which may establish themselves in the Republic, or may have therein any agency or branch, may operate by subjecting themselves to all the provisions of the Code of Commerce as to the founding of their establishments within Mexican territory; as to their mercantile operations, and as to the jurisdiction of the Mexican tribunals.

As far as refers to their capacity to make contracts, they must subject themselves to the provisions of Articles 265, 266 and 267 of the Code of Commerce (Code of Commerce, Article 15).

The said Articles 265, 266 and 267 prescribe:

I. Registry of their charters, statutes, contracts; also, of their last inventory or trial balance, if any, and a certificate of being duly constituted in the country of their origin, from the Mexican representative in that country. See *Registration*.

II. A stock company must publish annually a balance sheet, which must show liabilities and resources, and the names of the directors and administrators.

If the above requisites are not fulfilled, the parties who contract in the name of the company in this Republic are personally and individually bound to fulfill such contract.

All foreign companies are bound by this law, as far as their future acts are concerned, even if they were established in the Republic before it was promulgated.

**Solicitudes** [APPLICATIONS FOR MINING CONCESSIONS, ETC.] Any inhabitant of the Republic may apply for a mining concession. See *Extranjeros*.

The law concedes complete liberty with respect to the number of claims that may be applied for in any case where there is sufficient free ground, without taking into account

whether the applicants are one or several; neither if they constitute a partnership, or company, or not (L. Min., Art. 15. and C. Fom., July 1st, 1892).

With exception of the case in which the claims applied for are situated in ground subject to exploration (prospecting work: see *Explorations*), mining concessions are always to be conceded to the first applicant (L. Min., Art. 15).

See *Concessions* for a list of the substances for whose exploitation a concession is necessary.

Every application for a concession to mine any of the substances which the owner of the soil is free to exploit shall be quashed at once (R. L. Min., Art. 44).

Applications for the concession of mining claims or gores must be presented in duplicate to the proper Mining Agent.

Applications must express with entire clearness the number of claims that are asked for, the situation that these occupy on the ground, the location of the ground in the municipality to which it belongs, with the most notable natural signs by which the claim can be identified, and the designation of the mineral substance which it is proposed to mine.

If, in the opinion of the Agent, there should not be sufficient clearness, he shall try to secure the same, by questioning the applicant himself, and entering all his answers upon the application, on the duplicate thereof, and in the registry book of the Mining Agency, in presence of the interested party.

But inability on the part of the applicant, or his refusal to give explanations, shall not be a motive for not making the registry, nor for the suspension of the rest of the procedure (R. L. Min., Art. 15).

An application may be presented in the name of another person, in certain cases. See *Apoderados*.

On October 31st, 1899, a circular (No. 32) of the Ministry of Fomento was issued, which states that cases have been very frequent where applications for mining concessions have been presented with the deliberate object of preventing other persons from taking up the same ground; and for the furtherance of this object a large number of *pertenencias* (claims) are asked for, or the number is not designated, as the documents simply claim the whole of a municipality, of a district or of the jurisdiction of a Mining Agent, etc., etc.

The circular then proceeds to explain the provisions of Article 15 of the Mining Law Regulations, and enjoins that the applications for mining concessions must carefully and exactly comply with Article 3 of the Mining Law of June 4th, 1892, and of Article 15 of the Regulations.

According to this circular, the applications must contain :

1. The number of claims (*pertenencias*) to be included in the concession, clearly and precisely stated.
2. The situation which these claims have on the ground.
3. The location of the ground in the municipality.
4. The most notable natural marks by which the ground applied for can be identified.
6. The designation of the mineral substance which is proposed to be mined.
7. The nature and situation of the deposit in which the mineral is found, for which purpose it must be stated whether the mineral deposit is a vein, a blanket deposit, a placer or has some other form.

8. Mention of the place or places, within the boundaries of the local Mining Agency, where the mineral deposit may be examined; designating the most notable landmarks by which the mineral deposit may be identified.

In case the application does not duly satisfy all these requisites, it cannot be admitted nor registered.

If the above requisites are fulfilled, the Mining Agent, if still in doubt, may interrogate the applicant, and shall note his answers on the application, on its duplicate and in the Registry Book of the Mining Agency, in presence of the interested party; but the proceedings must go on, *if the above requisites are fulfilled*, even if the party cannot give explanations, or even if he refuses to do so.

The Mining Agent shall call the attention of the Ministry of Fomento, when the docket is sent on, to the questions that were asked and the replies thereto.

Applications for mining concessions, in which interrupted claims — *i.e.*, claims not consecutive — are asked for, shall be admitted whenever all the claims are in the same municipality and upon the same mineral deposit.

In case of being in different municipalities, or upon different mineral deposits, separate applications must be presented with reference to the claim or claims which are situated in each separate mineral deposit or municipality.

In every case the applications must contain all the requisites above referred to, so as to be admitted (C. Fom., October 31st. 1899).

A fifty-cent revenue stamp is required on every leaf of the application.

At such points of the Republic as may not be comprehended within the district assigned to any Mining Agent of

the Ministry of Fomento, applications for mining concessions may be presented to the local postmaster, who, in such a case, shall receive them and take note thereof, designating the day and the hour of presentation.

The postmaster must also give immediate notice to the Ministry of Fomento by mail, and also by telegraph, where there is one (R. L. Min., Arts. 48 and 49).

As soon as any application for a mining concession is presented to a Mining Agent, he shall proceed immediately to register the same, in the presence of the applicant, with an entry of the day and the hour of presentation, as well as the ordinal number of the docket relative thereto, in the special registry book for applications for mining concessions, and also at the end of the application itself, and upon the duplicate thereof.

Said registry book is to be paged and countersigned by the Ministry of Fomento.

The applications shall be registered in the exact order of the date and hour in which they may be successively presented, without leaving any blank spaces in the book between the different registrations (R. L. Min., Art. 17).

When an application has been admitted, no other can be received for the same point until after the Ministry of Fomento has entered a final ruling on the docket belonging to said concession, whether for full mining claims or gores (R. L. Min., Art. 16).

In case of the simultaneous presentation of two or more applications for concessions of mining claims or gores for the same site, lots shall be drawn in the presence of the interested parties, to decide which of the applications is to be admitted and registered (R. L. Min., Art. 18).

Within the three days following the presentation and

registry of any application for a mining concession, the Mining Agent shall appoint a graduated mining expert, or, if there are none in that locality, a practical expert, to measure the claims or gores, and draw up the corresponding plan thereof (R. L. Min., Art. 19). See *Peritos*.

Within the eight days following the appointment of the surveyor expert, he must communicate to the Mining Agent his acceptance or rejection of the appointment, and, in the first case, that he is already in accord with the applicant for payment of his fees. The Mining Agent shall enter the proper note thereof upon the docket.

Said term of eight days may be prorogued by the Mining Agent, once, for eight days more, if desired by the applicant (R. L. Min., Art. 20).

When the Mining Agent enters the note of the acceptance of his appointment by the surveyor expert, he shall designate for said expert a peremptory term of sixty days to conclude and present his documents.

At the same time the Mining Agent must give the expert a certified copy of his appointment (for which see *Peritos*).

The Mining Agent shall then proceed to make out in duplicate a summary (for whose particulars see *Extracto*).

One copy of the summary shall be posted upon the Bulletin Board of the Agency, and the revenue stamps for this announcement shall be demanded from the applicant.

Said copy of the summary shall remain affixed on the Bulletin Board for one month, of which note shall be made on the docket. For the farther publication of the summary, see *Extracto* and *Publications*.

The publication of the summary has the effect of a summons to any one who may believe he has a right to oppose

the application for the mining concession of which the summary treats.

Opposition is only admissible during the four months allowed in the summary, as advertised.

See *Opposition* for proceedings in that case.

When the four months above noted have passed without opposition being made, or if the opposition is not one of those which interrupt the procedure of the applications for mining concessions, or if the docket has been returned by the tribunals with a final sentence, favorable to the applicant:

Within fifteen days next following any of the above, the Mining Agents, under their strictest responsibility, must make a copy of the docket, and send the same, with the copies of the plan, in a registered letter, to the Ministry of Fomento.

If the applicant wishes to take charge of the delivery of said documents, the Mining Agent may deliver them to him, and shall notify the Ministry of Fomento (R. L. Min., Art. 34). See *Expedientes* as to this delivery.

The Mining Agents cannot suspend the procedure of any mining concession for any motive whatever, unless in cases of opposition (L. Min., Art. 19).

For revenue stamps on mining applications, etc., see *Estampillas*.

See *How to Obtain a Mining Concession* on page 69 of this book.

Any default in the presentation of documents, affixing revenue stamps, publications, payment of fees, attendance at conciliatory meetings (juntas), and, in general, in any of the proceedings referred to above, which can be attributed to the applicants, will cause them to be held to have desisted from their application.

The docket formed by reason of any application for a

mining concession is forwarded, after having passed through the preliminary stages, as above, to the Ministry of Fomento.

The docket is examined in the Ministry of Fomento, and if approved, the making out of the title deed will be proceeded with.

The deed will be remitted to the Mining Agent for delivery to the interested party, together with one copy of the plan, sealed by the Ministry of Fomento.

The Ministry of Fomento will send to the Treasury Department a detailed notice of the concession as made.

If the docket is not in form for approval, the proper observations thereon shall be made to the Mining Agent, so that the deficiencies as noted may be corrected within the term to be fixed by the Ministry of Fomento, and whenever said deficiencies are not to be attributed to the applicant or to the Mining Agent.

In the first case the applicant shall be declared as having desisted through dilatoriness.

The applicant declared dilatory cannot repeat the same application.

In the second case the responsibility of the Mining Agent shall be made effective if he has caused the delay in the procedure (L. Min., Art. 19, and R. L. Min., Art. 37).

Applicants are not under the necessity of appointing a representative (attorney in fact) in the Capital of the Republic to attend to the proceedings about the docket or to receive the title deed

The title deed will be sent to the Agent for delivery to the applicant, if he has not already designated, in the application itself or in another special writing sent to the Ministry of Fomento, some person in the Capital of the Republic who



may receive the title deed (C. Fom., July 1st, 1892, and a special ruling of the Ministry of Fomento).

When the title deed has been made out in favor of the concessionary, he enters at once in possession of his claim or claims without other formality. The title deed produces all the legal effects of a transfer (L. Min., Art. 18, and C. Fom., July 1st, 1892).

**Stamps, Revenue.** See *Estampillas* and *Impuesto*.

**Stamp Taxes.** See *Impuesto*.

**Stock, Mining.** See *Acciones*.

**Substitute Mining Agents.** See *Agentes de Minería*.

**Subterranean Placers.** See *Placer*.

**Sulphur.** See *Azufre*.

**Summary.** See *Extracto*.

**Superficial Mineral Deposits.** See *Criaderos* and *Placers*.

**Surface Property.** A mining property, except in the case of placers and superficial deposits, is only with respect to the subsoil, and not of the surface, which remains under the dominion of the proprietor, except when occupied by *Expropriation*, which see (L. Min., Art. 7).

**Surplus Mining Ground.** See *Demasías*.

**Surveys, Mining.** See *Operaciones* and *Peritos*.

**Surveyors, Mining.** See *Peritos*.

**Suspension.** The refusal or the inability of the applicant to answer the questions put by the Mining Agent

as to the particulars of his concession shall *not* be a motive for suspension of the procedure (R. L. Min., Art. 15).

Whenever an opposition to an application for a mining concession is presented within the term of four months from the date of the summary, the Mining Agent may suspend the procedure (L. Min., Art. 19).

But he shall *not* suspend said procedure if the opposition is from the owner of the soil, alleging that the mineral deposit does not exist, when there are indications of said deposit on the surface, or within any prospect hole or working on the deposit (L. Min., Art. 20).

If there are no surface indications of a mineral deposit, and no prospecting works, the ground must be obtained by an expropriation procedure (see *Expropriation*), and this involves a suspension of the direct procedure of the mining concession.

In any other case of opposition to an application for a mining concession, the Mining Agent (if he cannot induce an agreement between the parties) shall suspend all procedure, and deliver the docket to the applicant, to be presented to the proper court within a prudent term to be fixed by the Mining Agent (R. L. Min., Art. 30, and Circ. Fom., October 31st, 1899). See *Expedientes*.

# T

**Taxes (on Mines).** See *Impuestos*.

**Taxes (on Precious Metals).** See *Impuestos*.

**Tax Commissioner.** See *Administration of Revenue Stamp Taxes*.

**Terminos** [TERMS OR PERIODS OF TIME IN MINING MATTERS].

The principal terms established by the Regulations of the Mining Laws are as follows:

*Three days:* For the Mining Agent to appoint an expert in a case of an application for a concession:

For the announcement on the Bulletin Board of any opposition that may arise:

For summoning the applicant and the opposer to a conciliatory hearing (Arts. 19, 27 and 29).

*Eight days:* For the surveyor expert, appointed in the case of an application for a concession, to declare whether he accepts his appointment or not; the same term may be prolonged eight days more (Art. 20).

*Fifteen days:* To hold a conciliatory meeting in cases of opposition;

For the Mining Agent, when any docket is concluded, to

make a copy thereof, and remit the same, with the copies of the plan, to the Ministry of Fomento (Arts. 29 and 34).

*Sixty days:* For the expert appointed in the case of an application for a mining concession to present, in triplicate, the plan thereof and report thereon (Art. 21)

*Four months:* For the completion of the docket in the Mining Agency, which term should be counted from the date of the respective summary (Art. 21, Sec. III.)

*Four months and thirty-five days:* The four months' term may be prolonged thirty-five days more in case an opposition is presented within less than twenty days before the expiration of the four months.

NOTE.—Legal terms of days in Mexico are computed by leaving out Sundays and National holidays; months are computed according to the calendar.

**Terrenos Baldios or Terrenos Nacionales** [GOVERNMENT LANDS]. On these any inhabitant of the Republic may do prospecting for the discovery of mineral deposits, after fulfilling certain requisites (L. Min., Art. 13). See *Explorations*.

**Terrenos de Propiedad Particular** [PRIVATE LANDS]. See *Explorations*.

**Timbres** [REVENUE STAMPS]. See *Estampillas*.

**Tin.** See *Estaño*.

**Titles, Mining.** See *Titulos*.

**Titulos** [TITLE DEEDS]. The primordial title deed of mining property acquired according to the present laws shall be the title deed granted by the Ministry of Fomento.

The Ministry of Fomento shall publish, every six months, in the *Official Daily* (*Diario Oficial*) of the Republic a list of

the mining titles that may have been issued during the preceding six months (L. Min., Art. 6, and R. L. Min., Art. 50).

As soon as a title deed is issued in favor of any applicant, he enters at once into possession of the mining claims without any other formality whatever, since the said title deed produces all the effects of a transfer (L. Min., Art. 18, and C. Fom., July 1st, 1892).

The delivery of a title deed is made through the Mining Agent without expense to the applicant, but it may also be delivered in Mexico City to a representative appointed by the owner (C. Fom., July 1st, 1892, and special ruling of the Ministry of Fomento). See *Apoderados*.

No mining can be undertaken in mines or placers of substances which require for their exploitation an especial concession, unless there exists a legal title deed, duly registered (L. Min., Art. 3, and R. L. Min., Art. 43). See *Concessions*.

The registry of mining property title deeds is optional (R. L. Min., Art. 43); but as to this, see *Registration*.

**Tolerance in Assays.** See *Ensayes*.

**Tolerance in Coins.** See *Weights and Measures*.

**Towns and Villages, Mining in.** See *Poblaciones*.

**Transportation** [OF GOLD AND SILVER, ORES, ETC.]

Gold and silver bullion, pigs of lead or copper and sulphides, etc., etc., which contain gold or silver, may be transported freely within the Republic without documents, *except* within a zone of twenty kilometers from coast or frontier (R. L. Met. Prec., Art. 32).

Within said zones said substances must be accompanied by a way-bill, or by papers from some mint or Government assay office (R. L. Met. Prec., Art. 33). See *Facturas*.

Special regulations may be made by the Secretary of the Treasury, in certain cases where proper guarantees are offered, for the circulation of precious metals and their ores within the zones above mentioned (R. L. Met. Prec., Art. 36).

The above named invoices, or papers from some mint or Government assay office, protect the gold and silver bullion, or ores, etc., in transit through the twenty kilometer zones above mentioned, but must be shown by carriers or consignees whenever demanded by the fiscal officers (R. L. Met. Prec., Art. 38).

Refusal to do this is punishable by a fine of from \$5 to \$100.

The introduction of precious metals, or their ores, etc., within the twenty kilometer zones, and their transportation therein, without documents, constitutes the crime of smuggling, and is to be punished as such according to the General Custom House Ordinances (R. L. Met. Prec., Art. 50).

The breaking of custom house seals is punishable by a fine of from \$10 to \$200, levied upon the carrier.

A substitution of a different kind of metals or ores from those protected by the papers is punished by fine and imprisonment for the owner of the packages, and by a fine equal to three times the amount of duties; to be imposed upon the carrier (R. L. Met. Prec., Art. 52). See *Exportation*.

**Tunnels, Mining, and Tunnel Rights.** See *Socavones*.



## U

**Unit.** The unit of measurement for a mining concession is the claim or *pertenencia*. This is a solid of indefinite depth, limited exteriorly by that part of the surface of the ground which serves as the projection of a horizontal square of one hundred meters on each side. The lateral limits are four vertical planes corresponding to the four sides of the square (L. Min., Art. 14). See *Pertenencias*.

Each claim or *pertenencia* is equivalent to one hectare, or 10,000 square meters.

For taxing purposes the fractions of a claim which are equal to or exceed the half of a full claim are counted as a whole claim (R. L. Imp., Art 1).

Fractions of a claim less than one-half a claim are not taxed, unless they constitute a separate concession by themselves (C. Fom., February 16th, 1893).

**Unwatering Mines.** See *Desague*.

# V

**Valuations.** See *Avaluos*.

**Ventas** [SALES OF MINES].

On the sale of any mines, notice thereof must be given, in writing, to the Principal Administration of the Revenue Stamp Tax, through the local subaltern agency. The Principal Administration will, in its turn, forward said notice to the Secretary of the Treasury, so that due entry may be made thereof in the Register.

Revenue stamps must be affixed to the deed of sale to the amount laid down in the Revenue Stamp law (L. Imp., Art. 7, and R. L. Imp., Art. 26).

Note.—The amount of revenue stamps is six dollars per thousand upon the price of sale, at present.

**Ventilation.** Mine owners may use any system of ventilation which they may find convenient (L. Min., Art. 22).

Mining properties and ordinary real estate conterminous with mining properties shall enjoy or suffer, as may be the case, the legal servitudes of ventilation.

The judges, for the imposition of the above legal servitudes, and for the calculation of the indemnity to be paid therefor, shall subject themselves to the legislation of each State, or to that of the Federal District and Territories, on all points not modified by the present laws (L. Min., Art. 12).

See *Servidumbres*, especially Sections XII., XIII., XIV. and XVII.



# W

## **Water** [FROM MINES].

The water brought to the surface by virtue of the subterranean work done in mines, belongs to the owners of the mines.

The common laws shall be observed as far as they relate to the rights of the owners of the lands through which the said waters may find exit (L. Min., Art. 9). See *Servidumbres* and *Socavones*.

**Water** [MEASUREMENT OF]. See *Weights and Measures*.

**Water Rights.** All rivers and lakes in the interior of the Republic, if navigable or floatable, are under the supervision of the Federal Executive, which alone has power to regulate the public and private use of the same.

The concession to or confirmation of the rights of private parties in rivers, lakes or canals can only be effected by the Ministry of Fomento.

Such concessions must not produce, nor threaten to produce, a change in the course of rivers or canals, nor deprive the persons living on the lower part of said river of the use of its water (Law of June 5th, 1888).

*How Obtained.*

By Law of June 6th, 1894, the President of the Republic is authorized to make concessions to private parties or to companies for the better utilization of the waters under Federal jurisdiction, for irrigation and for power to be applied to different industries.

Said concessions may be granted under the following conditions:

1. Prior publication of the application in the Official Newspaper of the Federation and of the State where the concession may be located.

2. Concessions are made without prejudice to the rights of third parties, and any opposition that may arise is to be decided by the competent courts.

3. Plans, profiles and descriptive reports for the complete understanding of the proposed works must be handed in within the term specified in the concession.

4. Obligation to admit an engineer as inspector of the operation of location and construction of all the works, to be appointed by the Executive and paid by the concessionaries.

5. Obligation to make a deposit of National debt bonds to guarantee the fulfillment of the contract.

6. Obligation to submit the tariff of sale and rental of said waters to the examination and approval of the Ministry of Fomento.

The Executive may concede the following franchises and exemptions:

1. Exemption for five years of all Federal taxes, except revenue stamp taxes, upon the capital employed in the location, construction and repair of the works laid down in the respective concession.

2. Importation free of duty, for once only, of the machinery, scientific instruments and other apparatus necessary for the location, construction and exploitation of the said works.

3. Right to occupy, gratuitously, all vacant or Government lands for the passage of canals, for the construction of dams or dykes and for the formation of reservoirs.

4. Right of expropriation from private parties, as these are works of public utility (subject to prior indemnization, and according to the rules laid down in the case of railroads), of such lands as may be needed for the purposes of Sec. 3.

The Executive shall form regulations for the utilization of the waters of the Federal District and of the Territories.

The Executive may give concessions to construct dams and reservoirs, in conformity with the provisions of the Civil Code.

To persons or Companies who may obtain concessions from individual States for the utilization of water for irrigation or power, the Executive may concede the free entry of the necessary machinery and apparatus.

Such persons must give guarantees to finish their works and to conform to the rules and limitations which the Executive of the Union may establish in any particular case (Law of June 6th, 1894).

Water rights on inland small streams, not navigable or floatable, such as might be used to furnish water or power for metallurgical works, would have to be acquired according to the laws of the State where located (L. Min., Art. 32).

**Way Bill** [FOR PRECIOUS METALS]. See *Factura*.

**Weighing** [BULLION AND OTHER SUBSTANCES].

The weight of gold or silver or mixed bullion shall be approximated to grams, and that of other substances to kilograms.

If there are fractions of grams or kilograms, the whole number to be taken shall be the next lowest (R. L. Met. Prec., Art. 11).

The interested party has a right to demand a repetition of the weighing, if not satisfied (R. L. Met. Prec., Art. 18).

**Weights and Measures.** The only system of weights and measures now authorized by law to be used in the Republic of Mexico is the decimal metric system, and all other weights and measures, especially the old Spanish ones, are forbidden to be used under any circumstances from and after September 15th, 1896.

Nevertheless, the old weights and measures are frequently met with in quotations from old books about Mexico, and in the old documents, and are also used in familiar conversation and for mercantile transactions in remote places; so that I have thought it well to give the equivalents of the same in the metric system, and in the English or United States system.

The values in the metric system assigned to each denomination of the old weights and measures is that fixed by the Mexican Government at the time of the adoption of the metric system.

#### LINEAR MEASURES.

	<i>Kilometers.</i>	<i>Miles.</i>
1 <i>legua</i> (league)—5000 <i>varas</i> , . . . . .	4.19	2.604375
	<i>Meters.</i>	<i>Feet.</i>
1 <i>vara</i> (yard)—3 <i>pies</i> , . . . . .	0.83800	2.749578
1 <i>pie</i> (foot)—12 <i>pulgadas</i> , . . . . .	0.27933	0.916520
		<i>Inches.</i>
1 <i>pulgada</i> (inch)—12 <i>lineas</i> , . . . . .	0.02328	0.916526
1 <i>linea</i> (line), . . . . .	0.00194	0.076377

The *vara* is also divided (for dry goods selling) into *palmos* or *cuartas* (palms or quarters).

	Meters.	Feet.	Inches.
1 <i>palmo</i> or <i>cuarta</i> , . . . . .	0.209500	0.687394	8.248728

## SUPERFICIAL OR SQUARE MEASURE.

	Hectares.	Acres.
1 square <i>legua</i> , . . . . .	1755.61	4339.4

	Square Meters.	Square Feet.
1 square <i>vara</i> , . . . . .	0.702244	7.559000
1 square <i>pie</i> , . . . . .	0.078027	0.839888

		Square Inches.
1 square <i>palmo</i> , . . . . .	0.043890	68.03094
1 square <i>pulgada</i> , . . . . .	0.000542	0.84012

## HYDROMETRIC MEASURE.

This was used for measuring and distributing water for irrigating and domestic uses.

1 <i>buey</i> (ox), . . . . .	48 <i>surcos</i> .
1 <i>surco</i> (furrow), . . . . .	3 <i>naranjas</i> .
1 <i>naranja</i> (orange), . . . . .	8 <i>reales</i> or <i>limones</i> .
1 <i>real</i> (bit) or <i>limon</i> (lemon), . . . . .	2 <i>dedos</i> .
1 <i>dedo</i> (finger) . . . . .	9 <i>pajas</i> (straws).

According to the old Ordinances of Lands and Waters, established in Spanish times, the *buey* of water was as much as would flow through an aperture 1 *vara* (0.838 m.) square, *no head or pressure being mentioned*. By a law of the Mexican Republic, of August 2d, 1863, 1 *surco* is made equal to 6½ liters per second for rural measures, and the *paja* is made equal to 0.45 liters per minute for town measurements. This distinction is intended to make the *surco* a unit for irrigation, while the *paja* is made the unit for distributing water to houses, etc., in towns.

## Land or Agrarian Measures.

SPANISH NAMES	NEAREST ENGLISH EQUIVALENT	LENGTH (varas)	BREADTH (varas)	HECTARES	ACRES
Hacienda.....	Plantation.....	25,000	5,000	8778.0500000	21,697.000
Sitio de ganado mayor.....	Cow Ranch.....	5,000	5,000	1755.6100000	4,339.400
Sitio de ganado menor.....	Sheep Ranch.....	3,333 $\frac{1}{3}$	3,333 $\frac{1}{3}$	780.2711111	1,928.133
Fundo legal para pueblo.....	Legal Townsite..	1,200	1,200	101.1231360	244.140
Labor.....	Field.....	1,000	1,000	70.2244000	175.532
Caballería de tierra.....	Knighthold of land.....	1,104	552	42.7953111	105.751
Fanega sembradura de maiz...	Sowing area for 1 fanega of corn	276	184	3.5662759	8.813
Solar para casa, molino, ó venta	Site for a house, mill or inn.....	50	50	0.1755610	0.434

## CUBIC MEASURES.

	<i>Cubic Meters.</i>	<i>Cubic Yards.</i>
1 cubic vara, . . . .	0.588480	0.769734
		<i>Cubic Feet.</i>
1 cubic pie, . . . .	0.021795	0.769484
1 cubic palmo, . . . .	0.009195	0.324634

## DRY MEASURES.

	<i>Liters.</i>	<i>Bushels.</i>
1 carga—2 fanegas, . .	181.629775	5.154357
1 fanega—12 almudes, .	90.814888	2.577178
		<i>Pecks.</i>
1 almud—4 cuartillos, .	7.567907	0.859109
		<i>Dry Quarts.</i>
1 cuartillo (quart), . .	1.891977	1.718122

## OIL MEASURE.

		<i>U. S. Liquid Quarts.</i>
1 cuartillo, . . . .	0.506162	0.534870

## WINE MEASURE.

		<i>U. S. Liq. Quarts.</i>
1 cuartillo, . . . .	0.456264	0.482140

## COMMERCIAL WEIGHTS.

	<i>Kilograms.</i>	<i>U. S. Pounds Avoir.</i>
1 quintal—4 arrobas, . .	46.024634	101.444
1 arroba—25 libras, . .	11.506159	25.361
1 libra (pound)—16 onzas,	0.460246	1.01444

## WEIGHTS AND MEASURES

## COMMERCIAL WEIGHTS [CONCLUDED].

		Ounces	Avoirdupois.
1 onza (ounce)—16 <i>adarmes</i> ,	0.028765		1.0148
1 <i>adarme</i> (dram)—36 <i>granos</i> ,	0.001798		0.06343
			Grains.
1 <i>grano</i> (grain),	0.0000499		0.77160

In commerce there is sometimes used the following relation between the kilogram and the pound (*libra*) different from the ratio as fixed by the Government, viz.:

1 kilogram, . . . . . 2.2 pounds (*libras*).

There is also a weight called *carga*, used in commerce, in freighting and in mining:

	Kilograms.	U.S. Pds.	Avoir.
1 <i>carga</i> —12 <i>arrobas</i> —300 pounds,	138.073902		304.332

## PRECIOUS METAL WEIGHTS.

	Grams.	Ounces	Avoir.
1 <i>marco</i> —8 <i>onzas</i> ,	230.123		8.1184
1 <i>onza</i> —8 <i>ochavas</i> —576 grains..	28.765		1.0148
1 <i>ochava</i> (eighth)—6 <i>tomines</i> ,	3.596		0.12685
			Grains.
1 <i>toimin</i> —12 <i>granos</i> ,	0.599		9.25920
1 <i>grano</i> ,	0.0499		0.77160

## WEIGHT OF COINS (SEE "MONEY").

	Fineness.	Value.	Weight, grams.	Weight, grains.	
GOLD....	{		\$20.00	33.841	522.234
		875 gold.	10.00	16.920	261.117
		125 copper.	5.00	8.460	130.558
		—	2.50	4.230	65.279
		1000	1.00	1.692	26.112



## WEIGHT OF COINS [CONCLUDED].

SILVER..	{	9.027	\$1.00	27.073	417.7903
		<hr/>	0.50	13.536	208.8951
		10.000	0.25	6.768	104.4475
			0.10	2.707	41.7790

The tolerance on gold coins is 2 thousandths, more or less, than the exact fineness, and 75 milligrams in weight on the \$20 piece, with a proportionate allowance for the lesser coins.

For silver the tolerance is 2 thousandths, more or less, than the exact fineness, and 1 gram in weight on the \$1 piece, with a proportionate allowance for the lesser coins.

## Z

**Zinc.** This metal requires a special concession for its mining, in every case, and no work is permitted in mines of said substance unless protected by a duly registered legal title (L. Min., Art. 3, Sec. A., and R. L. Min., Art. 43).

### **Zonas Mineras [MINING ZONES].**

These were formerly granted under the Law of June 6th, 1887, but are now no longer conceded.

Most of the zone privileges that were conceded under the law referred to were forfeited for non-fulfillment of contract, and the rest have come under the general mining law.

### **Zones of Exploration.** See *Exploration*.

**Zones, Auriferous.** Contracts under the Law of June 6th, 1894, were made by the Executive for the exploration of gold mines and placers in zones, but this law expired by its own limitation in one year, and is not now in force.

### **Zones, 20 Kilometer.** See *Exportation*.

### **Zones, 20 League.** See *Extranjeros*.

### **Zones, 100 Meters.** See *Plans*.

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**CIUDAD DE MEXICO.**

# GLOSSARY

OF

## MEXICAN MINING TERMS.

BY

RICHARD E. CHISM.

---

**ABRAS.** Fissures or cavities in the rocks not filled with minerals, or only partially filled.

**ACHICAR.** To diminish the quantity of water in any gallery or working, generally by carrying it out in buckets or in leather bags.

**ACHICADORES.** Laborers employed for said purpose.

**ACHICHINQUES.** Same as *Achicadores*. Also applied

to hangers-on about police courts, etc. Such people as are generally called *strikers* in the United States.

ADARME. A weight for gold, about 1.8 grams.

ADEMES. Timbers in mines. Timbering in general.

ADEMADOR. A timberer or timber man.

AFINAR. Refining gold and silver.

ALCRIBIS. The tuyere of a smelting furnace. Also called *Toveras*.

ALTO. The hanging wall of a vein. See *Respaldos*.

ANTIGUOS, LOS. The Spanish or Indian miners of colonial times.

APAREJO. A pack-saddle. Any rough-and-ready apparatus for moving and adjusting heavy timbers, etc.

APEROS. All kinds of mining supplies in general.

APERADOR. A storekeeper.

A PIQUE. Perpendicular.

APARADORES. Persons who rewash or rework tailings from silver mills.

ARENILLAS. Tailings; refuse earth.

ARROBA. Twenty-five pounds.

ARRASTRE. A rude apparatus for grinding and amalgamating ore.

ARRASTRAR. To drag along the ground. *Arrastrar el agua*—To almost completely exhaust the water in a sump or working.

ATACADOR. A tamping bar or tamping stick.

ATAJO. See *Hatajo*.

ATECAS. Same as *Achicadores*, etc.

ATIERRES. Waste rock and dirt in the interior of a mine.

AZOGUE. Quicksilver.

AZOGUES. Free milling ores.

AZOGUERIA. Treatment of ores by amalgamation. A storehouse for quicksilver.

AZOGUERO. The mud chemist in a *patio* works; the person who has charge of the treatment in such a works.

## B

**BAJO.** The foot-wall of a vein. See *Respaldo*.

**BALANZON.** The balance-bob of a Cornish pump.

**BATEA.** A wide and shallow wooden vessel. Any wide and shallow vessel used for washing auriferous dirt, sand or gravel to concentrate the gold.

**BANCOS.** "Horses" in a vein or cross courses.

**BARRA.** (1) A *bar*, as of gold, silver, iron, steel, etc.

(2) A certain share in a mine. The ancient Spanish laws, from time immemorial, considered a mine as divided into twenty-four parts; and each part was called a "barra."

**BARRA VIUDA OR AVIADA.** These are "barras" or shares which participate in the profits, but not in the expenses, of mining concerns. Their share of the expenses is paid by the other shares. Non-assessable shares.

**BARRANCA.** A ravine; a gulch. What is improperly called in the United States a canyon or cañon.



**BARRENA.** A hand-drill for opening holes in rocks for blasting purposes.

**BARRENO.** A drill-hole for blasting purposes. In mechanics, any bored hole. A communication between two mines or two workings.

**BARRENARSE.** When two mines or two workings (as a shaft or winze, or a gallery) communicate with each other.

**BARRETERO.** A miner of the first class; one who knows how to point his holes, drill and blast, or work with a gad.

**BARILLA.** Grains of native copper found in certain minerals.

**BENEFICIAR.** To treat ores for the purpose of extracting the metallic contents.

**BENEFICIO.** Any metallurgical process.

**BOCA OR BOCA MINA.** Mouth or mine mouth. This is the name applied to the principal or first opening of a mine, or to the one where the miners are accustomed to descend.

**BOCHORNO.** Excessive heat, with want of ventilation, so that the lights go out. See *Vapores*.

**BOLEO.** A dump pile for waste rock.

**BOLICHE.** In mining, a "dolly tub."

**BONANZA.** Literally, "fine weather." In mining, "striking it rich," or a "rich strike." A mine producing large quantities of rich ore is said to be "en bonanza."

**BORRASCA.** The reverse of *Bonanza*. When the mine has a vein, but no ore, it is said to be "en borrasca."

**BOTAS.** Buckets made of an entire ox-skin, to take out water.

**BRONCE.** In mining, copper or iron pyrites.

**BRÚJULA.** A surveyor's (or marine) magnetic compass.

**BUSCONES.** Miners who work in abandoned mines to get out what ore they can, either to sell it on their own account, or to obtain a reward from some one for their discovery. A prospector.

## C

**CALENTADURA.** The first bar of lead treated by a lead refining furnace.

**CAMINO.** Any gallery, winze or shaft inside of a mine used for general transit.

**CAÑADA.** See *Barranca*.

**CAÑON.** A level, drift or gallery within a mine.

**CAÑON DE GUÍA.** A drift along the vein.

**CAPELLINA.** An old style retort for retorting silver amalgam.

**CARGA.** A charge. A mule load, generally of 300 pounds, but variable in different parts of Mexico.

**CASCAJO.** Gravel.

**CATA.** A prospect hole, or a mine commencing to be worked.

**CABALLO.** A "horse"—that is, a cross course or mass of barren rock in a vein.

**CABEZUELA.** Rich concentrates, usually containing both gold and silver.

**CAZO.** A vessel for hot amalgamation. Any large copper or iron vessel.

**CEBAR.** To melt rich ores, or lead bullion, etc., in a smelting furnace. To add small quantities of material, from time to time, to the melted mass within a furnace. Generally, to feed any kind of metallurgical machinery or process.

**CENDRADA.** The cupel bottom of a furnace where silver is refined or rich lead cupelled. Made of finely pulverized clay or other absorbent earth, mixed with ashes of bone or wood.

**CENDRADILLA.** This is a small reverberatory furnace for smelting rich silver ores in a rough-and-ready way. Also called *Galeme*.

**CHARCO.** A pool of water.

**CHARQUEAR.** To dip out water from pools within the mine, throwing it into gutters or pipes which will conduct it to the shaft.

**CHIFLON.** A narrow drift directed obliquely downwards. Any pipe from which issues water or air under pressure, or at high velocity.

**CHUZA.** A catch-basin for mercury.

**CIELO.** A ceiling. *Trabajar de cielo* means overhead stoping.

**COHETE.** A rocket; applied to a blast within a mine or outside.

**COLAS.** Tailings, as from a stamp mill or other metallurgical works where any wet process is used.

**COLORES.** Metal-stained ground or rocks.

**COLORADOS.** Red-colored or oxidized ores, generally colored by iron oxide.

**COMER.** To eat. *Comerse los pilares* means to take out the last vestiges of mineral from the sides and rock pillars of a mine.

**CONSUMIDO.** This is the amount of mercury which disappears by chemical combination during the treatment of ore by any amalgamation process.

**CONTRAMINA.** Countermine. Any communication between two or more mines. Also, a tunnel communicating with a shaft.

**COPELLA.** See *Pella*.

**CORTAR PILAR.** To form a rock support or pillar within a mine, at the opening of a cross-cut or elsewhere.

**CORTAR SOGAS.** Literally, to cut the ropes. To abandon the mine, taking away everything useful or movable.

**CRESTON.** The outcrop or apex of a vein or mineral deposit of any kind.

**CRADERO.** (1) A mineral deposit of irregular form, not vein-like.

(2) A chamber in a vein filled with ore of more or less richness.

(3) Any mineral deposit. This latter is the more modern sense, and the word is so used in the Mining Laws at present in force in Mexico.

**CRISOL.** A crucible of any kind.

**CRUCERO.** A cross-cut, for ventilation, to get around a horse or to prospect for the vein.

**CUÑA.** Literally, a wedge. A short drill or picker, generally known in the United States as a "gad."

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## D

**DEMASIA.** A piece of unoccupied ground between two mining concessions.

**DENUNCIO.** Denouncement. The act of applying for a mining concession under the old Mining Laws.

**DERRUMBE OR DERRUMBAMIENTO.** The caving in of the whole or a portion of a mine.

DESAGUE. Drainage of a mine by any means.

DESCARGAR. Literally, "to unload." *Descargar un horno* means to tear down a furnace.

DESCUBRIDORA. The first mine opened in a new district or on a new mineral deposit.

DESECHO. Where the chemicals or components of the ore attack the quicksilver during amalgamation.

DESMONTAR. Literally, to clear away underbrush. In mining, to take away useless and barren rocks; to remove rubbish.

DESPENSA. A pantry. A secure room to lock up rich ore. A storeroom.

DESPOBLAR. To suspend work in a mine.

DESTAJO. A contract to do any kind of work in or about a mine, or elsewhere, for a fixed price. Piece work, as distinguished from time work.

DESTAJERO. A contractor for piece work.

DEFRUTE. Taking out ore. *Obras de Desfrute* — Stopes, etc.

DUELAS. Staves of a barrel or cask, etc.

# E

**ECHADERO.** A level place near a mine, where ore is cleaned, piled, weighed and loaded on mules or other conveyance. Also called "patio" of the mine.

**ECHADO.** The dip of the vein.

**EMBORRASCARSE.** To go barren by the vein terminating or pinching out, etc.

**ENCINO.** Live oak.

**ENTIBAR.** To timber a mine or any part thereof.

**ENSAYES.** Assays.

**ESCALERAS.** Ladders, generally made, in Mexican mines, of notched sticks.

**ESCORIA.** Slag or cinders.

**ESCORIAL.** Slag pile.

**ESCORIFICADOR.** A scorifier, in assaying.



**ESPEJUELO.** A mineral gangue, with a faintly reflecting surface.

**ESPETON.** The tapping bar of a smelting furnace.

**ESTRUJON.** A second collection of amalgam, generally very pasty.

---

## F

**FAENAS.** Tasks; also, dead work, in the way of opening cross-cuts, drifts and tunnels.

**FANEGA.** A Spanish measure of about two-and-a-half bushels.

**FIERROS.** Iron matte formed in smelting furnaces.

**FRESNO.** An ash tree.

**FRONTÓN.** The face of a drift, cross-cut, tunnel, etc. Any working face.

**FUELLE.** A bellows.

## G

- GABARRO.** Ore in large pieces, from egg-size up.
- GALEME.** A reverberatory furnace. See *Cendradilla*.
- GALERA.** A shed; any long or large room; a storehouse.
- GALLOS.** Rich specimens of silver or gold ore, particularly those that show native silver or gold.
- GALAPAGO.** Literally, a turtle. A turtle-shaped pig of lead.
- GAMBUCINO.** A prospector for gold placers or ores.
- GARABATO.** A curved iron bar used in copper smelting.
- GOLPEADOR.** A striker, in hand drilling.
- GRANZA.** Metallic minerals, from the size of rice to that of hens' eggs.
- GRASA.** Literally, *grease*. Slags from smelting operations.
- GRASERO.** A slag pile.

GRETA. Impure litharge formed in a reverberatory smelting furnace.

GRUESO. Lump ore.

GUARDA RAYA. A landmark; a monument.

GUARDAS. The country rock immediately enclosing any metalliferous vein or deposit.

GUALDRIA. A long and stout beam, generally sustaining other beams or some heavy weight.

GUÍA. Indications where to cut a pay streak or to find a vein.

GUIJA. Mineral gangue, as quartz, feldspar, barite or calcspar, which is found in veins accompanying the metalliferous minerals.

GUIJO. A pointed pivot, upon which turns the upright center-piece of an *arrastre*, of a door, etc., etc.

## H

**HACIENDA DE BENEFICIO.** In mining, a metallurgical works; any metallurgical works, usually an amalgamation works.

**HACIENDA DE FUNDICION.** A smelting works.

**HACIENDA DE MAQUILA.** A customs mill.

**HATAJO.** A drove of pack mules.

**HIJUELAS.** Literally, little children. A small-sized *torta*, made up as a sort of assay on a large scale, with from one to five kilograms of argentiferous mud.

**HUECÓ.** See *Demasia*.

**HUNDIDO.** See *Derrumbe*.

# I

**INCORPORO.** The act of adding and mixing the mercury and other ingredients in and to the metalliferous mud for the *patio* process of amalgamation.

**INCORPORADERO.** Place where the *incorporo* is effected.

**INSALMORO.** The addition of salt to the *torta* or mud heap, as above.

---

# J

**JACAL.** See *Xacal*.

**JABONCILLO.** Decomposed talcose rock or hardened clay, generally found in a vein, and sometimes indicating the proximity of a rich strike.

**JALES—JALSONTLES.** Rich tailings or middlings from concentration or amalgamation.

# L

**LABOR.** Mine workings in general. Specifically, a stope or any other place where ore is being taken out.

**LAMAS.** Literally, slimes. The argentiferous mud which is treated by any amalgamation process. Sometimes applied to tailings.

**LAMERO.** Place of deposit for *lamas*.

**LAMPAZO.** A sort of broom formed of green branches on the end of a long stick, to dampen the flame in a reverberatory furnace.

**LAVADERO.** Literally, a washer. A tank with a stirring arrangement, to loosen up the argentiferous mud from the *patio*, and dilute the same with water, so that the silver amalgam may have a chance to precipitate. An agitator.

**LLAVES.** Horizontal crossbeams in a shaft, or the upright pieces which sustain the roof beams in a drift or tunnel.

**LAZADORES.** These were men formerly employed in

recruiting Indians for work in the mines by the gentle persuasion of a lasso.

LEÑADOR. <sup>4</sup> One who cuts, carries or furnishes wood for combustible.

LEY. Literally, *law*. As applied in mining matters, it means the proportion of precious or other metals contained in any mineral substance or metallic alloy.

LIMADURA. Literally, *filings*. The mercurial globules seen when a piece of argentiferous mud from a *patio* is washed in a spoon or saucer for an assay.

LINTERNILLA. The drum of a horse whim.

LIS. The mercury in slimes that are undergoing amalgamation sometimes breaks up into globules which refuse to unite again. This phenomenon is called *lis* in Mexico, and "flouring" in the United States.

LUMBRERAS. Ventilating shafts in a mine or other underground work.

## M

**MACHOTE.** A stake or permanent bench mark fixed in an underground working, from which the length and progress thereof is measured.

**MAGISTRAL.** Roasted copper pyrites, used when sulphate of copper is not obtainable for amalgamating purposes.

**MALACATE.** A horse whim; now extended to any hoisting machine used in mines.

**MAMPOSTERIA.** Mason work.

**MANGA.** A conical bag of canvas, for draining the quicksilver out of amalgam; a hose.

**MANO.** A grinding stone of an *arrastre*, etc.

**MANTAS.** Jute or hennequin, etc., sacks in which ore or waste is carried.

**MANTEO.** The act of hoisting ore or waste from the interior of a mine.

**MANTO.** A blanket vein.

**MAQUILAR.** To work ore for its owner on shares or for a money payment.



MARCO. A weight of eight ounces.

MAZO. In metallurgy, a stamp for crushing ore.

MECHA. A wick for a lamp or candle; a torch.

MERCED. A gift, grant or concession.

METAL. All kinds of metalliferous minerals are called "metal" in Mexico.

METAL DE AYUDA. Fluxing ore of any kind.

METAL DE CEBO. Very rich ore, usually treated in small reverberatory furnaces.

METAL ORDINARIO. Common ore.

METAL PEPENA. The best class of selected ore.

METLAPIL. See *Mano*.

MINERO. A mine owner; a mining captain; an underground boss.

MINERO MAYOR. The head mining captain. A mining workman is called *operario*.

MOGROLLO. The same as *Metal de Cebo*.

MOLONQUE. A rich specimen, of which one-half, or more, is native silver.

MUESCAS. Notches in a stick; mortises; notches cut in a round or square beam for the purpose of using it as a ladder.

## N

**NATAS.** Same as *Escoria* or *Grasa*.

**NEGRILLOS.** Black silver ore; black sulphide of silver.

---

## O

**OCOTE.** Pitch pine.

**OPERARIO.** A working miner.

**OROCHÉ.** Bullion containing gold and silver.

**OYAMEL.** White pine.

# P

**PALO.** A stick. A piece of timber.

**PALERO.** A mine carpenter.

**PANINO.** The peculiar appearance, form or manner in which the metalliferous minerals present themselves in any given district or mine.

**PARCIONERO.** A partner in a mining contract.

**PARTIDO.** The division of ores between partners. Working a mine by *partido* is when the miners agree with the owners to take a certain part of the ores in place of wages. Usually the mine owner provides candles, powder and steel, and keeps the drills sharpened, and receives, in payment of royalty and supplies, two-thirds or more of the ore taken out. This contract is renewed weekly or monthly, etc., and the proportion of ore retained by the miners is more or less according to the richness of the stopes where they work.

This is a cheap way of getting ore, as far as labor is concerned. But the miners must be constantly watched; otherwise they will leave the mine in bad state.

The proportion of ore assigned to the miners is gene-

rally bought from them by the mine owner himself, for various reasons.

**PATIO.** Any paved enclosure, more or less surrounded by buildings. An ore sorting yard. A floor or yard where argentiferous mud is treated by amalgamation.

**PELLA.** Silver amalgam. *Plata Pella*—The same.

**PEPENAR.** To sort ore.

**PETLANQUE.** Ruby silver.

**PICO.** A striking or sledge hammer.

**PIEDRAS DE MANO.** Hand specimens.

**PILAR.** A pillar of rock or ore left to sustain some portion of the mine.

**PILETA.** In the mines, a sump. In smelting ores, the basin or pot where the melted metal is collected.

**PIÑA.** In metallurgy, the same as *Pella*.

**PINTA.** This applies to the color, weight and grain, etc., of ores, whereby it is possible to form some idea of their richness in the various metals.

**PLAN.** The very lowest working in a mine. *Trabajar de plan* means to work to gain depth.

**PLANCHA.** A pig of lead, etc. A plate, thick sheet or mass of any metal.

**PLANCHERA.** A mould, of sand, earth or iron, to form pigs of lead.

**PLANILLA.** An inclined plane of mason work, wood, etc., upon which tailings are spread out to be concentrated by jets of water, skilfully applied.

**PLANILLERO.** A workman who devotes himself to concentrating tailings, etc., on the *Planillas*; always paid by weight or measure or concentrates produced.

**PLATA BLANCA.** Native silver.

**PLOMILLOS.** Shots of lead found in slags.

**PLOMO.** Lead; lead ore.

**PLOMADA.** A plumb line or plumb bob.

**POBLAR.** To set men at work in a mine.

**POLVILLOS.** Rich concentrates.

**PUEBLE.** The actual working of a mine; the aggregation of persons employed therein.

**PUERTAS.** Massive barren rocks, or "horses," occurring in a vein, which must be removed to regain the pay streak.

## Q

**QUEME.** A roast of ore; the process of roasting ore.

**QUEMADERO.** A burning place: a retorting furnace for silver or gold amalgam.

**QUEMADOS.** Literally, *burnt stuff*. Any dark, cindery-looking mineral encountered in a vein or mineral deposit, generally manganiferous.

**QUITAPEPENA.** A watchman at the mouth of a mine, who searches the miners as they come out.

---

## R

**RAMAL.** A branch vein.

**RAMALEAR.** To branch off into various divisions.

**RASTRILLO.** A rake; a stirrer for moving ore in a furnace.

**RASTRON.** A Chilean mill.

**RELAMPAGO — RELAMPAGUEAR.** The brightening of the silver button during cupellation.

**RENDIR.** Is when all the silver has been amalgamated in a heap of argentiferous mud on a *patio*.

**REPASO—REPASAR.** The art of mixing up the mud heaps in the *patio* process of amalgamation by treading them over with horses or mules.

**REPOSADERO.** The bottom of a crucible or pot in an upright smelting furnace.

**RESCATADORES.** Ore buyers.

**RESPALDOS.** The walls enclosing a vein.

*Respaldo alto* — The hanging wall.

*Respaldo bajo* — The foot wall.

**RISCOS.** Sharp and precipitous rocks; amorphous quartz found in veins or outcrops.

**RUMBO.** The course or direction of a vein.

## S

SACA. A bag full of ore. A mine is said to be *de buena saca* when it has large quantities of ore easy to get out.

SOCABON. A mining tunnel; an adit.

*Socavon á hilo de veta* — A drift tunnel.

*Socavon crucero* — A cross cut tunnel or adit.

SONDEO. A boring for prospecting purposes.

SONDEAR. To bore for prospecting purposes.

SOPLETE. A blowpipe for analytical or mineralogical, etc., use.

*Ensaye al Soplete* — A blowpipe assay.

---

## T

TAHONA. An *arrastre* moved by water power.

TAHONERO. The man in charge of the *tahona*.



TALADRO. A drill for mechanical or mining purposes.

TALADRAR. To bore or drill.

TANATES. Leather, hide or jute bags to carry ore or waste rock within or out of a mine.

TANATERO. A laborer or bag carrier.

TAPEXTLE. A working platform or stage built up in a stope or anywhere in a mine; a landing place between two flights of ladders.

TEMESQUITALE. The earthy part of ground-up ore.

TENTADURA. A sort of assay, made in a horn spoon, in an earthen saucer, in a wide and shallow vessel of any kind, for the purpose of ascertaining the amount of amalgam present in a sample of argentiferous mud from an amalgamating *patio*. Any assay made by washing, so as to concentrate the metallic portions of any mineral, and to cause the earthy portions to be floated off.

TEPETATE. Any rock or earth, found in a mine, which does not contain the metal sought for.

TEQUIO. A task set for a drillman or for any laborer in a mine, to be regarded as a day's work.

TERRERO. The "dump" of a mine.

TIERRAS DE LABOR. Dirt from a stope, mixed with particles of ore.

TIERRAS DE LLUNQUE. Chips made in breaking and sorting ore.

**TIRO.** A mining shaft.

*Tiro Vertical* — A vertical shaft.

*Tiro de Arrastre* — An inclined shaft.

**TOVERA.** The tuyere of a smelting furnace. See *Alcibis*.

**TORTA.** A pie or cake; the heaps of argentiferous mud which are treated in the *patio* process of amalgamation.

**TRILLA.** The same as *Torta*.

**TROMPA.** A funnel-shaped mouthpiece of cooled slag which forms within a smelting furnace over the tuyere opening.

**TUMBAR.** To knock down ore, etc.

**TUMBE.** The act of knocking down and taking out ore.

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## V

**VAPOR.** Steam; heated and stinking gas sometimes found in mines, which causes candles to burn dim and go out.

**VASO.** A reverberatory furnace used for smelting rich ore, or for cupelling silver.

**VENA.** A thin vein, not over three inches thick; a knife-blade vein.

**VETA.** A metalliferous vein of rock: a true fissure vein. Loosely, any mineral deposit.

*Veta Clavada* — A vertical vein.

*Veta Echada* — An inclined vein.

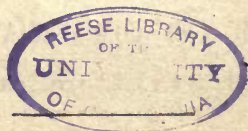
*Veta Serpenteada* — A vein with frequent changes of direction or course.

*Veta Socia* — A vein which joins another.

*Veta Ramal* — A branch vein.

*Veta Recostada* — An inclined vein.

**VUELTA.** In refining silver, the moment when all impurities have been removed from the silver under treatment.



## X

**XACAL.** A miner's cabin: a storehouse for mining goods; a shaft house.

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